1277). Referred to the Committee of the Whole House on the state of the Union.

Mr. McKENZIE: Committee on Military Affairs. S. 4037. An act to amend the grade percentages of enlisted men as prescribed in section 4b of the national defense act, as amended; without amendment (Rept. No. 1278). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 13429) to amend section 2238 of the Revised Statutes of the United States; to the Committee on the Public Lands.

By Mr. VOLSTEAD: A bill (H. R. 13430) to amend section 370 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. DENISON: A bill (H. R. 13431) to provide for the erection of a public building at Carbondale, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13432) to provide for the erection of a public building at West Frankfort, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 13433) to provide for insurance against unreasonably low prices for wheat; to the Committee on Agriculture.

By Mr. KEARNS: A bill (H. R. 13434) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894; to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: A resolution (H. Res. 470) directing that the Committee on Rules be authorized and directed to make full inquiry into the matter of the permanent installation in the House wing of the Capitol Building and in the Hall of the House of Representatives of the apparatus or device therein designated as a public address or voice amplifying system; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 13435) granting a pension to Mary A. Shook; to the Committee on Invalid Pensions.

By Mr. BIRD: A bill (H. R. 13436) granting a pension to Luella M. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13437) granting a pension to Margaret E. Dotson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13438) granting a pension to Martin L. Garver; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 13439) granting a pension to Salina A. Julius; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 13440) granting a pension to Mary E. Touhy; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 13441) granting a pension to Mary M. Walden; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 13442) granting an increase of pension to Eli J. Hayes; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 13443) granting a pension to Nellie Louise Atkins; to the Committee on Invalid Pensions.

By Mr. REBER (by request): A bill (H. R. 13444) granting a pension to Cora I. Fisher; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 13445) granting a pension to Anna D. Arrowsmith; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 13446) granting an increase of pension to Lucius P. Burress; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 13447) granting a pension to Rosetta Cottrill; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6611. By Mr. COLE of Iowa: Petition signed by rural carriers out of Marshalltown, State Center, Melbourne, Gilman, Albion, Haverhill, Green Mountain, Liscomb, Clemons, St. Anthony, Laurel, Rhodes, and Le Grande, all in Marshall County, Iowa, asking for carrier's equipment allowance at rate of $24 per mile per year, and an amendment to present salary scale, making it $1,800 a year for a 24-mile route and $75 per mile per year for overmileage; to the Committee on the Post Office and Post Roads.

6612. Also, petition of Tama (Iowa) County Farm Bureau, indorsing the passage of the French-Capper "truth in fabrics" bill, known as H. R. 64 and S. 799; to the Committee on Interstate and Foreign Commerce.

6613. Also, petition of Frank Slaboch, jr., and 21 others, residents of Tama, Iowa, to abolish discriminatory tax on small arms, ammunition, and firearms, internal revenue bill, section 900, paragraph 7; to the Committee on Ways and Means.

6614. By Mr. FULLER: Petition of sundry citizens of La Salle County, Ill., protesting against the tax on ammunition and firearms; to the Committee on Ways and Means.

6615. Also, petition of Litchfield (Ill.) Merchants' Protective Association, favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

6616. By Mr. KISSEL: Petition of the American Society, a Federation for National Unity (Inc.), New York City, N. Y., favoring an investigation of all secret societies; to the Committee on the Judiciary.

6617. By Mr. McLAUGHLIN of Michigan: Petition of Mr. A. J. Harvey and sundry other citizens of Cadillac, Mich., favoring the abolition of the discriminatory tax on small arms, ammunition, and firearms; to the Committee on Ways and Means.

SENATE.

SATURDAY, *December 16, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we rejoice to call Thee by that name. We recognize a nearness of approach and a consciousness that Thou art with us and ready to help us in every emergency. We thank Thee that Thou hast for us help in our struggles, solution for our problems, forgiveness for our folly and our sin, and art always ready to open before us paths of duty along which Thou wouldst have us walk. Hear and help us this day. Through Jesus Christ. Amen.

The Assistant Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, December 14, 1922, when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

CALL OF THE ROLL.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names.

Ashurst	Gooding	McLean	Shortridge
Borah	Hale	McNary	Simmons
Brandegee	Harreld	Moses	Smith
Calder	Harris	Nelson	Smoot
Capper	Harrison	New	Spencer
Caraway	Heflin	Nicholson	Sterling
Colt	Hitchcock	Norris	Sutherland
Couzens	Johnson	Overman	Swanson
Culberson	Jones, N. Mex.	Owen	Trammell
Curtis	Jones, Wash.	Page	Underwood
Dial	Kendrick	Pittman	Walsh, Mass.
Dillingham	Keyes	Poindexter	Walsh, Mont.
Fernald	Ladd	Pomerene	Warren
Fletcher	Lodge	Ransdell	Watson
George	McKellar	Robinson	Williams
Glass	McKinley	Sheppard	

Mr. CURTIS. I wish to announce that the Senator from Ohio [Mr. WILLIS] is absent on account of illness in his family.

I was requested to announce that the Senator from Arizona [Mr. CAMERON] is necessarily detained on official business.

I was also requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Iowa [Mr. BROOKHART] are absent on official business.

The VICE PRESIDENT. Sixty-three Senators have answered to their names. A quorum is present.

POSITIONS IN UNITED STATES VETERANS' BUREAU.

The VICE PRESIDENT laid before the Senate a communication from the Director of the United States Veterans' Bureau, transmitting, pursuant to law, a statement as of December 1, 1922, indicating the total number of positions at the rate of $2,000 or more per annum, the rate of salary attached to each position, and the number of positions at each rate in the central office, also the corresponding information as of November 1, 1922, for the district and subdistrict offices, which, with the accompanying papers, was referred to the Committee on Appropriations.

CREDENTIALS OF SENATOR-ELECT STEPHENS.

The VICE PRESIDENT laid before the Senate a certificate of the Governor of Mississippi, certifying to the election of HUBERT D. STEPHENS as a Senator from the State of Mississippi

for the term beginning March 4, 1923, which was ordered to be filed and to be printed in the RECORD as follows:

STATE OF MISSISSIPPI.

To all to whom these presents shall come, greeting;
to the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1922, HUBERT D. STEPHENS was duly chosen by the qualified electors of the State of Mississippi a Senator from the said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1923.

Witness his excellency, our governor, Lee M. Russell, and our seal hereto affixed at Jackson, Miss., this the 2d day of January, A. D. 1923.

[SEAL.] LEE M. RUSSELL.

By the governor:

JOSEPH W. POWER, *Secretary of State.*

SENATOR FROM MASSACHUSETTS.

The VICE PRESIDENT. The Chair lays before the Senate two letters, one from Conrad W. Crooker, as attorney for John A. Nicholls, and the other from Conrad W. Crooker, as chairman of the Liberal Republican League of Massachusetts, relative to the title of the senior Senator from Massachusetts [Mr. LODGE] to his seat for the term beginning March 4, 1923, which will without objection be placed on the files of the Senate to accompany the credentials of the senior Senator from Massachusetts.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 13316) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1924, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SHREVE, Mr. MADDEN, and Mr. OLIVER were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 408) authorizing payment of the salaries of the officers and employees of Congress for December, 1922, on the 20th day of that month, and it was thereupon signed by the Vice President.

APPROPRIATIONS FOR DEPARTMENTS OF COMMERCE AND LABOR.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13316) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1924, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES of Washington. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. JONES of Washington, Mr. SPENCER, and Mr. OVERMAN conferees on the part of the Senate.

PETITIONS.

Mr. CURTIS presented a resolution adopted by the Federated Shop Crafts, of Parsons, Kans., favoring the election of President and Vice President of the United States by direct vote of the people, abolition of the Electoral College, and shortening of the time elapsing between election and inauguration, which was referred to the Committee on the Judiciary.

Mr. WARREN presented a resolution adopted by the directors of the Cheyenne (Wyo.) Chamber of Commerce, favoring the passage of the so-called Capper-French truth in fabric bill, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Upton, Wyo., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. LADD presented a resolution of the Federated Shop Crafts of Dickinson, N. Dak., favoring prompt action by the Federal Government to remedy faulty condition of railroad operating equipment, which was referred to the Committee on Interstate Commerce.

He also presented petitions of L. C. Merrick and 14 others, of Sawyer; Joe F. Blasy and 4 others, of Lefor; Otto Petterson and 7 others, of St. John; William Polis and 4 others, of Pekin; Mrs. A. Hermanson and 9 others, of Hamar; Will Darling and 3 others, of Thorne; Henry Paterandi and 4 others, of Dunseith; C. T. Nelson and 8 others, of Rutland; Charles Quittschrieber and 5 others, of Arthur; Mrs. S. A. Sundene and 2 others, of Adams; all in the State of North Dakota, praying for the enactment of legislation stabilizing the prices of wheat, which were referred to the Committee on Agriculture and Forestry.

POSSESSION, SALE, AND USE OF PISTOLS AND REVOLVERS.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 4012) to control the possession, sale, and use of pistols and revolvers in the District of Columbia, to provide penalties, and for other purposes, reported it with amendments and submitted a report (No. 950) thereon.

RELIEF OF SUFFERERS IN ASTORIA, OREG.

Mr. WARREN. From the Committee on Appropriations I report back favorably with amendments the joint resolution (S. J. Res. 255) for the relief of sufferers from fire in the city of Astoria, Oreg., and, as it is an emergency matter, I ask for its immediate consideration.

Mr. UNDERWOOD. Let the joint resolution be read.

The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The joint resolution was read, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. The amendments were, on page 1, line 3, after the word "relieve," to insert the word "temporarily"; in line 7, after the word "otherwise," to strike out the words "to relieve the sufferers"; in line 9, after the word "establishment," to strike out the words "or procured by him in open market or otherwise"; in line 10, before the word "needy," to insert the word "such"; and on page 2, line 2, after the word "necessary," to strike out the words "and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000, or so much thereof as may be necessary, to be expended under the direction and in the discretion of the Secretary of War in carrying out the provisions of this resolution"; so as to make the joint resolution read:

Resolved, etc., That in order to relieve temporarily the suffering and the conditions resulting from the recent fire in the city of Astoria, Oreg., the Secretary of War is authorized and directed, in cooperation with the authorities of the State of Oregon and of the city of Astoria, or otherwise, to issue subsistence and supplies belonging to the Military Establishment to persons in Astoria who are in such needy circumstances and to take such temporary sanitary measures as he may deem necessary.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MCNARY. Mr. President, in conjunction with the joint resolution which has just been passed I desire to have inserted in the RECORD a telegram from the mayor and the citizens' executive committee of the city of Astoria, Oreg., and also a telegram from the president of the Portland (Oreg.) Chamber of Commerce.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

ASTORIA, OREG., *December 13, 1922.*

Senator C. L. MCNARY,
Senate Chamber, Washington, D. C.:

On Friday morning last the entire business part of the city was totally destroyed by the most devastating fire in the history of the Pacific coast. Streets, water system, sewer system, and fire system in the entire devastated district are totally destroyed. Over 5,000 citizens have suffered loss of their entire property and are without employment or means of subsistence. Business is paralyzed and the city wholly without adequate means either to furnish employment or sustain its citizens who have so suffered. Contributions have been secured from coast cities and from individuals, but this can not be employed to rehabilitate the devastated district. In order to rebuild it will be necessary to fill by dredging the entire part of the city destroyed. Practically all of the streets and sewers destroyed were constructed on and under viaducts and cost assessed against the property. Such assessments have not been paid, which, together with the enormous loss sustained, makes it impossible to reconstruct. The situation is serious and appalling. Unless the city receives immediate Government aid it seems that it will cease to function and bankruptcy of its people, heretofore solvent, will result. The disaster, not counting loss of life, equals that caused by the tidal wave which devastated Galveston and the San Francisco holocaust of 1906. We deem the situation so critical that we feel it is necessary to appeal to the Congress of the United States for immediate aid, such as was granted Galveston and San Francisco. It is believed that it will require at least $3,000,000 to afford anyway near the adequate relief.

JAMES BREMNER,
Mayor of Astoria Citizens' Executive Committee,
By COL. W. S. GILBERT,
Astoria Chamber of Commerce,
By L. D. DRAKE.

PORTLAND, OREG., *December 14, 1922.*

Hon. C. L. MCNARY,
United States Senate, Washington, D. C.:

Our board of directors and leading business men most earnestly appeal to our Oregon delegation for the maximum support possible from Congress for Astoria in recovering from devastation that has effaced practically entire business district of city. Per capita loss on population or wealth basis is apparently greater than in other disasters that have received Federal aid of substantial amounts. Business interests

of city with high percentage of population seem to face bankruptcy and perhaps municipal ruin. Bonding power for municipal improvements had reached very maximum and much of these are effaced with debts remaining and a staggering reconstruction immediately compelled. Destitution of people losing all is being covered in way of food, clothing, and shelter through Portland contributions and from near-by sources, but such aid does not extend to vital requirements of city's future. We urge that all members of our delegation give most serious study to ways and means of securing congressional action in aid of Astoria. Generous contributions being made from all parts of Northwest and more distant points, but all this not sufficient for great future effort to save city.

O. W. MIELKE,
President Portland Chamber of Commerce.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4189) to pension soldiers who were in the military service during Indian wars and disturbances, and the widows, minors, and helpless children of such soldiers; to increase the pensions of Indian war survivors and widows; and to amend section 2 of the act of March 4, 1917; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 4190) for the relief of Sam N. Thompson; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 4191) for the relief of Harry E. Fiske; and

A bill (S. 4192) to permit the correction of the general account of Charles B. Strecker, former Assistant Treasurer of the United States (with an accompanying paper); to the Committee on Claims.

By Mr. KING:

A bill (S. 4193) to repeal sections 300 to 316, inclusive, of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920; to the Committee on Interstate Commerce.

A joint resolution (S. J. Res. 257) authorizing a disarmament conference with governments with which the United States has diplomatic relations; to the Committee on Foreign Relations.

THE MERCHANT MARINE.

The VICE PRESIDENT. Morning business has closed.

Mr. JONES of Washington. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 12817.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. NICHOLSON. Mr. President, I have received a telegram from the Colorado Farmers' Congress protesting against the passage of the so-called ship subsidy bill. I send the telegram to the Secretary's desk and ask that it be read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The telegram was read and ordered to lie on the table, as follows:

[Western Union telegram.]

FORT COLLINS, COLO., *December 15, 1922.*

Senator SAMUEL D. NICHOLSON,
Washington, D. C.:

Colorado Farmers' Congress in thirteenth annual session adopted following resolution, which is submitted to you for earnest consideration:

"Whereas there is pending in Congress a bill known as the ship subsidy bill: Therefore be it

"*Resolved*, That we do not believe this bill will in any way benefit agriculture but that it will only be a further drain upon our national finances.

"*Resolved*, That we urge our Representatives in Congress to oppose this legislation and that telegrams be sent to our Senators advising of our action."

I. L. GOTTHELF,
President Colorado Farmers' Congress.

RELIEF OF AGRICULTURAL CONDITIONS.

Mr. SMITH. Mr. President, only a few days ago the President of the United States came before Congress and delivered what might be called his annual message as to the condition of national affairs. In that message he took occasion to stress the deplorable condition of agriculture throughout the country and recommended remedial legislation that would aid the farmer in solving his present problems and provide for him an adequate credit system to enable him to take care of his affairs in the future.

Subsequently to the President's address the Committee on Agriculture, being keenly alive to the terrible conditions which exist, have been holding hearings on different bills looking toward carrying out the purposes of Congress in that respect.

There have come before our committee in the last week representatives of the grain growers and cattle raisers of the West and of the woolen and wheat and cotton producers of the South and West. Those representatives were men of affairs; they were men who had been in the midst of the terrible calamity which overtook the agricultural and stock-raising interests of the country when, without warning, the price of farm products and of the products of the cattle raisers had gone to a point which meant bankruptcy. There was no question of the cost of production; there was simply an absolute slaughter of the values involved in farm production and in cattle raising.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. SMITH. I yield.

Mr. NORRIS. I think the Senator from South Carolina ought also to include in the class of men who appeared before our committee representatives of several hundred so-called country banks, in addition to the other classes mentioned by the Senator.

Mr. SMITH. Mr. President, I thank the Senator for that suggestion. I wish to state that there did appear before us also representatives of innumerable country banks who indicated that, as a necessary result, the collapse of the security which they themselves had been handling in the past had practically bankrupted them, leaving those banks absolutely without means of further financing the farmers of the country.

I am not going to take this occasion to give my opinion as to what has brought about this condition of affairs. The curse causeless does not count. Some of us know the cause. We were informed that the collapse of prices was a natural and necessary result of the war; that deflation and the restriction of credits and the denial of any financial accommodation to those who stood in the midst of ruin and bankruptcy was essential in order that we might get back to "normalcy" and to prewar conditions as they obtained in a normal way; and that prices were too high and that, therefore, they had to be brought down.

Mr. President, for a while there were some people, including even farmers, who believed that to be true. We would have believed it more readily had we had evidences that other business in this country, not so fundamental and not so necessary as agriculture and stock raising, had suffered in proportion. There is not a Senator on this floor who does not know that unless agriculture is relieved there is going to be produced in this country a condition that will be infinitely worse than that which now obtains. Hands are leaving the southern farms by the thousands and seeking industrial employment; they are leaving the wheat fields of the West. One of the witnesses who came before our committee exhibited a newspaper published in his county, which heretofore has been one of the most prosperous and productive counties in his State, in which there were six pages of nonpariel type advertising farms for sale for taxes. That showing can be duplicated in practically every county in the United States. Producers of grain of all sorts, of corn, cattle, cotton, and wool, are distressed to the point of bankruptcy, even to the extent of having taken away from them the very basis of their industry, the land itself.

In view of that condition being established, I wish to read to the Senate an item published in the Washington Post of this morning, showing conclusively that this condition was not universal and that the necessity for these measures and the consequent lowering of prices which the farmer received was not general; indeed, there was no corresponding reduction in the prices of commodities which others had to sell. I am going to read the item as it appears in the Post:

BOSTON, December 15 (by the Associated Press).—Another batch of increased capitalizations, with consequent stock dividends, brought further Christmas distributions representing many millions of dollars to stockholders in New England corporations to-day. To the large sums already diverted from surplus and other companies there were added several actions of recapitalization and disbursement that ran into many hundreds per cent.

The Browne & Sharpe Manufacturing Co., of Providence, making machine tools, filed with the secretary of State notice that its capital stock had been increased from $100,000 to $16,000,000. A stock dividend of 16,000 per cent was voted to dispose of the new stock.

WILL DISTRIBUTE 1,500 PER CENT.

Stockholders of the Wanskuck Co., manufacturers of worsted—

In other words, manufacturing the clothing that people wear—

voted at Providence to-day to increase the capital stock from $500,000 to $8,000,000. They voted also to distribute among themselves the new stock as a 1,500 per cent stock dividend.

The York Manufacturing Co., of Saco, Me., making cotton cloths, by action of the directors, proposed to the stockholders a doubling of the $1,800,000 capitalization with a 100 per cent stock dividend.

The Oakdale (R. I.) Worsted Co., after increasing its stock from $60,000 to $540,000, distributed the difference in the form of an 800 per cent stock dividend.

The Merrimac Woolen Co. increased its capital stock from $750,000 to $1,000,000 and provided for a stock dividend from capital and surplus, the exact amount of which was not announced.

The New Bedford Cotton Mills Corporation declared a stock dividend of 200 per cent, increasing its capital from $350,000 to $1,050,000 to make it possible.

The article continues further along the same line, but I have read sufficient.

In the face of the universal suffering of the agricultural interests of this country and of the country banks comes this startling statement that one company made 16,000 per cent. I do not know during what number of years that profit was accumulated, but that announcement means that they lived and moved and had their being and created a surplus which, under the decision of the court, in order to avoid taxation, enabled them to declare a stock dividend of 16,000 per cent. Then I presume that the poor, distressed, and helpless woolen manufacturers by whom we were invoked here to pass an emergency tariff in order to protect the woolgrower from the inroads of foreign competition could only make 1,500 per cent. He could not get 16,000 per cent; he could only declare a stock dividend of 1,500 per cent.

Mr. CARAWAY. Mr. President, may I interrupt the Senator just a minute?

Mr. SMITH. I yield.

Mr. CARAWAY. Here is one woolen firm up in Massachusetts that declared a 3,333 per cent dividend the other day—another one of those poor industries.

Mr. SMITH. I will just read this item as it is handed to me. I do not know from what paper it is taken.

Mr. CARAWAY. The New York Times.

Mr. SMITH. It reads:

BOSTON, December 14.—Stock-dividend declarations by textile mills continued to-day. A new high-water mark in these increases of capitalization from which the distribution is made was set by the Davis & Brown Woolen Co., of Uxbridge, a relatively small concern, which expanded its capital stock from $15,000 to $500,000, to make possible a dividend of 3,333 per cent.

Mr. UNDERWOOD. Mr. President, will the Senator let me ask him a question?

Mr. SMITH. Certainly.

Mr. UNDERWOOD. Are these some of the companies that are engaged in the production of woolens, on which last summer a very high and excessive tariff was placed in order to protect them from failure?

Mr. SMITH. Why, certainly. These are the suffering individuals whom we have to pension. Do you suppose a man is going to sit down and be satisfied with a miserable 3,333 per cent dividend when another one is making 16,000 per cent? You have no right to have any such unequal situation in this country.

Mr. President, how long do you suppose the American people are going to tolerate a condition sanctioned by our Government such as is revealed by this manifestation here to-day? They come here and ask for protection, when even under the Underwood bill this stupendous amount must have been accumulated; because, while God knows they got enough, it is not reasonable to suppose they have made 3,333 per cent in anticipation of the operation of the present tariff law. This was made under the operation of the Underwood bill; but if, under the so-called slight protection of the Underwood bill, they made this much, what in the name of heaven can they make under the present wall around this country?

Mr. UNDERWOOD. The highest woolen schedule that has ever been enacted into law.

Mr. SMITH. The highest that has ever been known since Schedule K became a stench in the nostrils of the American people.

The light will filter in after a bit. I said a moment ago that curse causeless did not come; and the American people will know that the curse that is on them is the control of our commercial and banking interests for the specially favored few. How in the name of heaven was it possible for a tool-manufacturing concern to make 16,000 per cent if the conditions under which they worked were fair and normal and open to competition? How could a woolen manufacturer make 3,333 per cent, how could he accumulate it if the conditions under which he worked and distributed his wares were open to competition, and it was the natural result of the law of supply and demand? This monstrous condition has arisen from the machinations of men who knew exactly what they were doing.

The existence of twenty-five billions of American bonds, bearing the stupendous interest of 4½ per cent, constituted a temptation too great for them to withstand of bringing about a condition where these bonds would have to be sacrificed and go into the hands of those who for generations to come could on every million dollars invested clip interest to the amount of $40,000 from the taxpayers of this country; and who pays these taxes? The very distressed crowd that is appearing before our committees, because under the decisions of the courts the organizations and the corporations can escape taxation by taking refuge behind stock dividends, and robbing the Government, as the collector of internal revenue has intimated, of $1,400,000,000.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from North Carolina?

Mr. SMITH. I yield.

Mr. SIMMONS. May I ask the Senator from South Carolina what class of people is opposing this relief that the farmers are asking?

Mr. SMITH. So far as we have had any intimation of opposition—and it has come to me not officially, because they have not appeared before our committee in rebuttal of the plea of the agriculturists—it is made up of the very class of men who are declaring these dividends.

Mr. SIMMONS. I should like to ask the Senator another question. I heard it conceded in the Banking and Currency Committee this morning by a witness of great intelligence, the owner, as I was told, of some forty-odd agricultural publications, that the farmers, even at this time, while other classes of people in this country are making such enormous profits, are not netting enough to pay the actual cost of production. Is not that conceded?

Mr. SMITH. Why, Mr. President, that is known to every man, not only to the man who is engaged in agriculture but to the local country banker who is financing him and to the merchants who are selling him his supplies. They all know that he is not even now making the cost of production, while he has a load of debt, incurred by the crime of deflation during 1920 and 1921, that he will not wipe out in a natural lifetime. I say to the Senator from North Carolina, a practical farmer as he is, that the debts that he and I were forced to incur by virtue of that will wipe out any reasonable profit that we may make for the next five or six years if we make a normal crop and get a normal price for it.

Mr. SIMMONS. A longer time than that.

Mr. SMITH. That is the condition that confronts us. If we were to make average crops now, and were to get a reasonable profit, it would take five or six years, or maybe longer, to accumulate profits enough to wipe out the indebtedness of 1920 and 1921; and yet here in 1922 the favored children of finance and government come out and declare a dividend of from 3,000 per cent to 16,000 per cent, and when we make an effort to get a financial system that will in some degree adapt itself to the peculiar conditions of agriculture we are met with the cry, "Class legislation!"

Mr. President, it amazes me to hear men of intelligence, to hear those, some of whom are the dispensers and purveyors of our news, declaring that any legislation in favor of the farmer is class legislation. Agriculture is not a class. It is fundamental. It is basic. With whom does the farmer enter into competition? When we speak of class, the ordinary acceptation of that is one class in a business pitted against another class in like business. Agriculture is fundamental. It is basic. It is as essential as fuel and water to an engine. The necessity for getting the fuel and the necessity for getting the water are prerequisites to the running of the engine. The necessity for agriculture is a prerequisite to every business, the Government included; and yet when we come and make the showing that agriculture has been so discriminated against that it is impossible for those engaged in it to live except under the conditions of peons and slaves, we are met with the sneer that "You are attempting class legislation," when 55 per cent of all the current wealth of this Nation, over twelve billions, is produced annually by agriculture, and according to statistics something like 35 to 40 per cent of the deposits in our banks are deposited there from the proceeds of agriculture; and yet the amount that the farmer gets to carry on his business as compared with other businesses is less than 2 per cent.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Florida?

Mr. SMITH. I do.

Mr. FLETCHER. May I suggest to the Senator, then, that in order to revive business in the general sense in which that term is used, the way to do it is first to revive agriculture?

Mr. SMITH. It is absolutely essential.

Mr. President, I am happy on account of one condition. Thank God, we are not dealing to-day with the same class of agriculturists that the world dealt with in the generations that have gone. The facilities for education, the distribution of knowledge in the form of current events in the newspapers, the telephone, the telegraph, and easy transportation, have made the man in "the sticks" as cosmopolitan as the man that walks your streets. He knows the laws and rules that govern economics, and he is going to have his proportionate share of the wealth that he produces. If we are wise we will begin now, in this Congress, to deal with him in precisely the same manner that we deal with what we are pleased to call commerce. We have established a banking system that is at the beck and call of what we call commerce—liquid assets; 30, 60, and 90 day paper—to meet all the requirements, and we have provided in the law that is on the statute books now that in case there should be a dearth of circulating medium based upon a certain gold reserve and commodity value there might be issued clearing-house certificates, known as Federal reserve notes, against the deposited wealth of this country.

We hailed it with delight, because for the first time in the history of this country commodities were recognized by the Government as the basis of the issuance of a temporary form of quickly diffusible currency. From May, 1920, up until a few months ago, that source of relief to the people was practically arbitrarily shut. Where it was not arbitrarily shut, the fear of a repetition of what had occurred kept men from embarking in the business once again under conditions which ruined them. They are afraid to attempt any extensive line for the fear that the like calamity might befall them.

Now we have come to the point where the country says, "You must show us. You promised us we could not have a panic." You can name it what you please, but in what condition is agriculture to-day? If it were not for such revelations as this I might suppose we were all practically in the same condition, but when you know the condition in which the producers of this country are, and then boldly have the declaration of a 16,000 per cent dividend the contrast is amazing.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Oklahoma?

Mr. SMITH. I yield.

Mr. OWEN. What the Senator from South Carolina is describing as a panic has all the effect of a panic, because it is an industrial depression of the most serious character. When the reserve act was presented to the Senate as a bill I pointed out that while it would prevent financial panic in the ordinary sense, it would not prevent an industrial depression. What has taken place is an industrial depression, infinitely emphasized by the action of the Federal Reserve Board in directing, first, the contraction of credits by the large New York banks on their call loans on stocks and bonds, following that up by having the Federal reserve banks withdraw the lines of credit which they had extended to the banks of the country and using their influence with the banks of the country to restrict credits. When they did, it had the effect of bringing the market prices down below the cost of production, and brought on a ruinous condition which has all the effect of a panic, although it might not be described as an actual financial panic.

Mr. SMITH. When one contemplates the result of this condition, he may not fully know the minutiæ or the means instituted to bring it about, but he does know that there seemed to be, and, according to the Comptroller of the Currency, there was, a greater volume of redemption funds than ever before, a greater volume of gold in this country than we had ever had. Some estimate that our 12 regional banks hold up to almost one-half of the gold available in the world for monetary purposes. I do not know just what percentage of the world's available gold supply we do hold, but I know that it is far and away in excess of any legal requirements for reserve purposes. I do know that there was the possibility of issuing enough currency to relieve any situation, because we went through the acid test during the war, when there was a call upon us for billions of dollars to carry on that war. But let the condition be what it may, agriculture is dying, while manufacturers are declaring from 3,000 to 16,000 per cent dividends.

I have no quarrel with the manufacturing interests of the country. I come to the place where it is made possible to enter my protest against any system which would allow the universal death, ruin, and stagnation of agriculture and stock raising, while such incalculable profits as these are made. Congress should see to it that a financial system is inaugurated, or the present one so amended, that agriculture will have the same opportunity to finance itself as other business has to finance itself.

I understand that one of our cooperative concerns, just started with bright hopes, has been confronted with the fact that the condition upon which it got money from the War Finance Corporation was that under the contract they must sell one-eighth of their yearly production each month. What man sitting before me could imagine a more suicidal condition than that, a cooperative company, dependent upon the product it holds as the basis of its loan, making a contract that it will dispose of one-eighth of its holdings each month? All a man who desires to get it has to do, if he has control of the market, is to fix the price at the time, because one-eighth has to come on the market.

In passing the War Finance Corporation act we provided that agricultural products might have a rediscount for 12 months through their cooperative market, and if by some mistake or other they did sign a contract which would call upon them to dispose of one-eighth of their holdings each month, we of the Senate ought to rise up and give them relief now by saying that in spite of the contract, what they hold should not be disposed of until the price shows a reasonable profit upon the cost of production.

Mr. HEFLIN. Mr. President, in connection with the statement the Senator makes about the requirement of the sale of one-eighth of the cotton each month, I assert that they have nullified the law by their order, and are providing that the loan shall be for only 30 days for a part of the crop. Is not that true?

Mr. SMITH. That is the effect of it. I have called attention to this condition for the reason that, even with the hope we had in rehabilitating the War Finance Corporation, and writing the act as carefully as some of us thought it could be written under the circumstances, amending it as we thought necessary to relieve the situation, we are met with an arbitrary demand that the articles shall be put upon the market, contract or no contract, which is just as bad on the producers as the old system.

What we anticipated, and what the farmers of this country have a right to demand, is that when a farmer borrows on his product and pays the interest, and the commodity he puts up is worth the loan at the expiration of the loan, he should have an opportunity to rediscount it until such time as he gets a profit.

Mr. SIMMONS. Mr. President, can the Senator recall any provision in the War Finance Corporation act, as revised and enlarged, which confers power upon the board controlling that system to fix the time when the farmer shall sell his product?

Mr. SMITH. I do not recall any such provision. Of course, the whole idea was that as we had limited it, against the protest of some Senators, to banks, trust companies, and farm organizations, eliminating the individual, we had made it possible, if conditions did not warrant the settling of the account at that time, for a renewal of the loan and an extension of the time, if the collateral was all right and the interest paid, despite any contract which you might make or I might make that we would dispose of one-eighth of our holdings each month.

Under the terms of the bill itself, relief could be given if there were a waiver of even that contract by mutual agreement, because the object was to give relief, and if these cooperating societies say, "We need an extension of the time to give relief, and an extension of the contract," they are entitled to have it.

Mr. DIAL. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to his colleague?

Mr. SMITH. I yield.

Mr. DIAL. I was called out of the Chamber and did not hear all of my colleague's speech. I understand that he spoke in reference to the cooperative market associations disposing of some of their cotton.

Mr. SMITH. I mentioned that incidentally.

Mr. DIAL. While it may be true that the cooperative associations have not sold very much, is it not also true that a great many of the producers have sold their entire crops?

Mr. SMITH. It is.

Mr. DIAL. A great deal more than one-twelfth of the production has been sold each month. All we desire is that the crop should be marketed in an orderly way, and that means that if it takes 12 months to produce it and 12 months to manufacture it, the grower should be allowed 12 months in which to market it.

Mr. SMITH. That is neither here nor there, for the reason that the man outside of the corporation took his chances. These cooperative societies were organized to try to protect the indus-

try, and we put the cooperative societies in the act, and therefore it seems to me that they are entitled, despite any specific contract, to have whatever relief the act can give them.

Mr. SIMMONS. Mr. President, does not the Senator from South Carolina think that the intent of Congress, in establishing this corporation and conferring upon it the power to loan to farmers and to farm cooperative associations, was to enable the farmer and these associations to market their crops in an orderly way, and, if necessary, to hold their products until they could at least get something approximating the cost of production; and that, having that general line of policy in view, when we, in order to carry it out, provided that they might advance money to farmers and cooperative institutions upon 12 months' maturity, with the privilege of extension, it was the clear intent and purpose of Congress that that board should not attempt to exercise an authority which would defeat that purpose by forcing the farmer to sell before conditions justified him in selling?

Mr. SMITH. Mr. President, if this is to be the policy, the last case is as bad as the first, or worse. I have said what I have presented this morning in order to call the attention of the public to the refutation of the plea that this drastic contraction of credit was unavoidable, and that it affected all alike.

The Senator from Oklahoma [Mr. OWEN] has defined the situation. We had a commodity panic, and a money inflation. The money was here, necessarily here, and if credits were denied, it was hoarded somewhere; it was here in volume.

Mr. OWEN. Mr. President, when commerce is paralyzed by the contraction of credits the currency is no longer required in such volume and it automatically flows back into the Federal reserve agents' hands, because it is costing money to hold idle currency. It therefore goes back for the purpose of saving the interest on that idle currency. A great harm was done in contracting credit, which was deliberately done as a fixed policy and persisted in over the protest of many men, including myself. I made 10 different efforts, I remind the Senator, between January 1, 1920, and July 1, 1920, to prevent that policy from being carried out, but unavailingly.

Mr. SMITH. Mr. President, in concluding what I have to say showing the startling condition of affairs, between the extremes of poverty and distress on the one side and a 16,000 per cent stock dividend on the other, we in the Senate should not be satisfied and some of us are not going to be satisfied with any temporary makeshift legislation for the relief of agriculture in the country, with the limitation of the amount of capital that can be diverted to agriculture. Some of us will insist that the financial system available for agriculture shall be as extensive and limitless as the system for commerce and that the availablity of credits in behalf of the farmer shall be coextensive with the credits for commerce and adapted to the peculiar conditions of the production of agricultural products. We will have none of this temporary handing out of a crumb from a master's table, and I do not use even a figure of speech when I say that the farmer sets the table, furnishes the table, clothes and shoes the master, and yet he, perforce, must go hungry and naked while others in the country are cutting melons running up to hundreds and thousands of per cent.

Mr. CALDER. Mr. President, I hesitate to take the time of the Senate to discuss a subject not before the Senate, but I ask indulgence for a moment or two in connection with the statement just made by the Senator from South Carolina [Mr. SMITH].

I represent in part a State which is one of the greatest in agriculture of any of the States in the Union. In that State the farmers have suffered. They are to-day in great difficulty. They are coming to us asking for aid. But, Mr. President, it seems to me that even more important than the question of credits for the farmer is that of trying to do something for him to afford him better market facilities. The other day my attention was called to the fact that in New York, which is a great dairy State and furnishes most of the milk for the great city of New York, the farmer is getting something like 3¾ cents a quart for his milk, while in the city, 100 or 150 miles away, the people who consume the milk are compelled to pay 16 and 18 and at times even 20 cents a quart for the milk. I am wondering, while we are discussing the question of credits for the farmer, if perhaps we are not encouraging him to reach out and borrow beyond his means, when, after all, his real problem is to obtain enough for the things he produces so as to secure even a small return for his labor and his investment.

Mr. MCKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Tennessee?

Mr. CALDER. I yield.

Mr. MCKELLAR. The matter of transportation comes in right there. Does not the Senator think that he made a mistake some few years ago when he voted for increasing the transportation charges of the country to such an enormous extent when what is known as the Esch-Cummins law was enacted? The Senator voted for it, as I recall, and the rates on milk from New York State points to New York City and to all the large cities were increased, as I recall, something like 200 per cent.

Mr. CALDER. Of course, the Senator has examined the freight rates on milk coming into New York City, and if he has he might tell the Senate the fact that the increased charge for carrying milk does not exceed one-eighth of 1 cent per quart, and that, of course, has not contributed very much to the increased price. I voted for the Esch-Cummins Act, but I do not recall any provision in that law which increased the freight rates.

Mr. MCKELLAR. The Senator did not read the bill evidently, if he does not recall where the rates mere raised from 100 to 200 per cent.

Mr. CALDER. We gave the Interstate Commerce Commission added authority in the matter and, of course, they increased the rates. But the Senator has not explained, in his interruption, that under the domination of his party during the war billions of dollars were added to the expense of operation of the railroads, and that in those days the rates were increased through the instrumentality of his own commission acting under the authority of his own party. Nor does he tell us that his own President urged that the rates be increased because of the added cost of operation.

Now, Mr. President, just a word on the subject of the so-called stock dividends. I have no defense to make for any corporation in the country that makes abnormal profits. I am not going into that phase of the subject to-day. I do not know the facts about any of the companies which have issued these large stock dividends and to which the Senator from South Carolina [Mr. SMITH] has referred; but it is a simple thing and we ought to have just a word or two of explanation as to how some of these things might happen.

Mr. MCKELLAR. Mr. President, will the Senator yield?

Mr. CALDER. Not just now. I have in my hand a copy of this morning's New York Herald. I notice that its leading editorial is entitled "A 3,333 per cent dividend." The editorial goes into an explanation of just how this corporation, with $15,000 capital stock, increased its capital to $500,000. I shall later ask unanimous consent that the editorial in the Herald on the subject to which I have referred may be printed in the RECORD. The story of the development of this corporation is common with thousands of others. It tells in detail how a few men may organize a small business and through hard work, with little profit to themselves over a period of years, develop it into a great organization. During all of the time of its growth it paid taxes on its profits. It simply preferred to extend its business, rather than eat up its gains, and now it turns its undivided profits into stock without increasing its holdings to the extent of one dollar.

I have in mind a corporation, which I know of myself, in the city of New York, which began business 12 years ago, for the convenience of the men who owned the business, with a capital stock of $25,000 all paid in. The corporation was engaged in building houses. It did an annual business of something like $300,000. It borrowed on its mortgages from the banks sufficient money to carry on a business of that magnitude. This particular corporation, like many others, has never declared a dividend. From its business of $300,000 in the first year, as I recall, because I know a great deal about it, it made a profit of something like $18,000. That was put into surplus. With a capital stock of $25,000 and a surplus of $18,000 this company really had a capital of $43,000 the second year. The profits of the corporation were being taxed in proportion to its earnings, of course. Now that corporation, after a period of 12 years, without having declared any dividends, but earning profits upon its surplus in the meantime, has a value to-day with a capital of $25,000 and a surplus of something like $300,000. Of course, that company could issue a stock dividend of $300,000, which would not affect the value of the property to the stockholders to the extent of one cent. It would not create any more property. It would not change the condition at all. It would simply turn an earned surplus into capital stock.

It seems to me this may be the condition with many other corporations in the country of like character. I know of some that have issued very large stock dividends which have in the main very small capital stock.

I now request that the editorial in the New York Herald to which I have referred may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

[From the New York Herald, Saturday, December 16, 1922.]

A 3,333 PER CENT DIVIDEND.

A woolen mill company in Uxbridge, Mass., has declared a stock dividend of 3,333 per cent. But if that fact baldly stated takes anybody's breath away, let him catch it again while listening to a few of the details.

The capital stock of the company before the increase was only $15,000. It is now $500,000. The stockholders had long been plowing in earnings on top of that diminutive capitalization of $15,000 instead of paying them all out as dividends and spending them. A little at a time the earnings went into more machinery, more tools, and more wage-paying equipment until the company was able to do a bigger business than ever had been possible with its original microscopic capital.

Then came bigger earnings from the increased machinery and from the enlarged business, so there was more of those earnings to plow in. There were enough now to add, perhaps, a small wing to the old building, with more equipment, and still more business became possible. Finally there were earnings enough to put up a whole new mill, with a still greater producing capacity.

And so it went until there was a fair-sized business—a business that represented some $500,000 of capital value in place of the $15,000 of years before. And it had been put in by the stockholders with their plowed-in earnings just as much as if the earnings had been paid out to the stockholders and then they had subscribed the same amount as new capital to expand the business.

But, at that, the owners of the woolen mill—the stockholders—had not a dollar more of value in it the hour after the 3,333 per cent stock dividend was declared to themselves than they had the hour before it was declared. Under the $15,000 capitalization of the hour before they had the mill, the machinery, the other equipment, the good will, and the business they were doing. Under the $500,000 capitalization they now have the same mill, the same machinery, the same equipment, the same good will, and the same business as they had before.

They have more certificates of stock but no more woolen mill. It is the same as when a woman slices an apple pie for the family's dinner. There are more pieces of the one pie. But no more pie.

Mr. SMOOT. Mr. President, while the Payne-Aldrich bill was under consideration we had similar charges made on the floor of the Senate by pointing out at that time three cases, I think, of excessive profits alleged to have been made by cotton manufacturers of the East. At the time we knew nothing about the details of the matter, but a very few days later the so-called profits were explained in detail, and the charges fell flat as no doubt these will.

The Senator from South Carolina [Mr. SMITH] knows enough about machinery to know what $15,000 would purchase. Fifteen thousand dollars would purchase two and one-half modern looms, that is all, nothing more. Fifteen thousand dollars would about purchase one set of cards. The statement of the Senator is ridiculous on its face. I do not know the history of the case which the Senator calls attention to. There may be some truth in it, but I have no doubt that there is an explanation for the whole thing. I have no doubt either, that some of the woolen mills and cotton mills as well as almost every other kind of business as well as the industries generally in the United States made large and in some cases extortionate profits during the war. There is no doubt about that. I do not think it bolstered up the Senator's argument for assistance for the farmer, because everybody recognizes the fact that whatever Congress can do to assist him ought to be done and no doubt will be done.

Mr. SMITH. Mr. President, I would like to ask the Senator what he referred to when he used the figures "$15,000"?

Mr. SMOOT. The Senator stated the capital was $15,000. I do not know anything about the matter to which he refers, other than what you stated.

Mr. SMITH. I was just looking to see if there was any company with $15,000 capital stock mentioned in the article.

Mr. SMOOT. That was the woolen mill declaring a dividend of 3,333 per cent about which the Senator spoke.

Mr. SMITH. That was referred to in the clipping which was handed me. I did not see in the item relating the incident about the 16,000 per cent stock dividend any company with any such capitalization as $15,000.

Mr. SMOOT. I do not know anything about it except what the Senator said. The Senator said there was a woolen mill with a capitalization of $15,000 which made a profit of 3,333 per cent.

Mr. SMITH. I do not want the Senator to get away from this fact. The argument of the Senator from New York [Mr. CALDER] and the argument of the Senator from Utah is on the assumption that with a small capital stock, with a comparatively large earning, over a period of years of accumulating surplus, they can at the end of that time declare that surplus in the form of stock dividends. That in no way lessens the terrific comparison between the individual industry for which I am speaking and the one I am seeking to illustrate with, for this reason: After a lifetime of working on the farms of this country, the mother and children working as well as the father, we have arrived at a point when not only they can not declare a stock dividend and buy another place, but they have to mortgage their cattle and their lands and the crops which they are growing in order to meet their necessary living expenses.

Mr. SMOOT. Some time or other the Senate and the House of Representatives will begin to study the situation to ascertain where one of the faults of the high cost of goods lies. I know that the cost of distribution of goods in the United States, which the ultimate consumer has to pay, in many cases is outrageous, and the present system has got to be abolished at some time or other. I admit the demands for delivery of each little item and other unnecessary demands made by the consumer add greatly to the cost. I think I stated in the Senate on a previous occasion that I went to a retail store in Washington and bought a bill of goods and secured an invoice for that bill of goods at retail prices. I took that invoice and purchased from a little wholesale house in Washington the smallest quantity of the same identical goods that I could, and I found there was a difference of 87 per cent between the wholesale price and the retail price which I had paid. I do not know what the wholesaler's profit was; I do not know what was paid to the manufacturer of the goods; but all that profit had to be added to the 87 per cent. When we get backbone enough to investigate and consider the question of the distribution of goods, I think we shall help the ultimate consumer in the purchase of his goods.

Mr. SMITH. Does not the Senator from Utah think that pari passu, right along with that, in determining where the fault lies in distribution to the ultimate consumer we have got to provide an adequate and impartial system of credits in order to meet the peculiar conditions under which the industry of agriculture labors?

Mr. SMOOT. If the Senator had confined his statement to that one aspect of the matter, I should not have said a word, because in the main I agree with him; but some day or other, Mr. President, the question of excessive prices which are charged for the goods which are sold in this country will have to be considered. Now, let me call the Senators' attention——

Mr. SMITH. Mr. President——

Mr. SMOOT. Just one moment. Let me call the Senator's attention to an instance that came under my observation. Two years ago, just before Mrs. Smoot and I returned to Utah, Mrs. Smoot bought a pair of shoes for which she was charged $17. One day as I came out of the elevator at the Hotel Utah to go to my room, I met an old friend of whom I used to purchase shoes when I was in the merchandising business. I said to him, "Hello, Jack, what are you doing here?" "Oh," he said, "I am still selling shoes." I said, "For the same firm?" He said, "For the same firm." He further stated, "I have a line here now, in my room." His room was immediately to the left of the elevator; and he said, "Come in and look at my line of shoes." I went in and, Mr. President, I saw there a pair of shoes which I was positive were exactly the same make of shoes which Mrs. Smoot had purchased for $17. To be absolutely sure, however, that the shoes were exactly similar, I took the stock number of the shoe and later found it was the identical kind of shoe. I said to my friend, "Jack, at what price are you selling these shoes?" He replied, "I am selling them for $5.75." I asked, "Is that the price at which those shoes are sold in all parts of the United States?" He replied, "Yes, that is the wholesale price for which they are sold everywhere." Some time or other such exorbitant profits are not going to continue to be charged in the United States.

Mr. SMITH. Does not the Senator from Utah think that he could have helped the situation materially if he had desisted from his advocacy of the tariff iniquity which we have just passed, which makes that kind of thing possible?

Mr. SMOOT. That was before we began the consideration of the tariff bill; it was before the election of 1920. As the Senator from South Carolina refers to that matter, let me call attention to the "tariff iniquity," as he characterizes it. I thought the Senator from South Carolina or some other Senator would make such a statement as he has made, and I brought here to the Senate on yesterday a number of reports not only from France and other foreign countries but from England particularly, including clippings of items from foreign and New York papers. I will only mention one, although I have in my office the letter which contains the complete information. In one cablegram, however, it was stated that the pottery industry of England is again active because of the fact that the Americans have begun the purchasing of pottery of all kinds from England. Then the cablegram went on to say that the increased duty upon pottery in the tariff law had been met by the English manufacturers of pottery by taking the amount of the increased duty off their profits and selling their goods in America for the same price as they had done under the Underwood tariff law.

Not only that, but as to the firm of Gimbel & Co., of Philadelphia and New York, there is a statement—and I shall later put it into the RECORD—relative to the importation of dresses from Paris and from cities in other foreign countries that at first prices were increased, but it was found that the American people would not buy the goods at an increased price, and therefore the foreigner reduced the price by the amount of the increase in the duty, and was selling the goods at the same old price. That statement came from Gimbel & Co.'s purchaser of the goods.

Every dollar, Mr. President, of the tariff increase, so far as pottery in England and dresses which are imported from France and from other foreign countries are concerned, if those statements are correct, is being paid by the foreigner and goes into the Treasury of the United States. However, I had not intended going into the question of the operation of the tariff law and did not do so until the Senator from South Carolina brought the matter up.

Mr. HARRISON. Will the Senator from Utah yield to me?

Mr. SMOOT. Yes; I yield to the Senator from Mississippi.

Mr. HARRISON. This is quite an interesting discussion, but we have got away from what we were talking about. I think we were discussing the price of shoes, and the Senator from Utah gave a very clear illustration by citing a case where shoes cost $17, I think it was, and shortly after some salesman stated that his firm was selling exactly similar shoes at wholesale for $5 per pair.

Mr. SMOOT. For $5.75 per pair.

Mr. HARRISON. I do not know whether the Senator from Utah bought the shoes after or before he saw the traveling man, but it may be that they were bought after the Ways and Means Committee of the House of Representatives had reported in favor of placing a tariff on hides, but the House, I believe through Democratic votes, took it off, or it may have been after the Finance Committee of the Senate had reported a high tariff on hides and when by Democratic vote in the Senate it was taken off. I am wondering whether that action had any influence on the prices which were being paid for shoes.

Mr. SMOOT. It was before the 1920 election under a Democratic administration. Of course, as to the pair of shoes of which I spoke, if the tariff had been in force it would not have amounted to 2 cents a pair.

Mr. HARRISON. But a tariff sometimes affords an excuse for increasing prices.

Mr. SMOOT. That may be an excuse so far as the seller of the shoes is concerned, but it is afforded no justification by the tariff law.

Mr. HARRISON. I may be mistaken as to my facts, and I do not want the RECORD to show a mistake; but if I recall the matter aright the Ways and Means Committee of the other House in drafting what was afterwards known as the Fordney-McCumber bill did put a tariff on hides.

Mr. SMOOT. Yes; they did put a tariff on hides.

Mr. HARRISON. But the House, by a very close vote, removed the duty. Then the Finance Committee of the Senate, of which the Senator from Utah is the most influential member, restored the duty on hides, as I recall, in the bill which that committee reported to the Senate.

Mr. SMOOT. They did.

Mr. HARRISON. But the Senate, through Democratic votes, took that duty off. I merely wanted to get the facts.

Mr. SMOOT. The Senator from Mississippi should have said that was done through Republican votes.

Mr. HARRISON. Through Republican votes?

Mr. SMOOT. Yes.

Mr. HARRISON. The Senator will remember as to those who voted for that duty, with the exception of 2 or 3 or 4 or 5, it was Democratic votes which took the duty off.

Mr. SMOOT. So far as that is concerned, there were Democrats who voted for the duty, and only 16 Democrats voted against a duty on hides.

Mr. HARRISON. I said with the exception of 4 or 5 votes.

Mr. SMOOT. But it was Republican votes that took the duty off.

Mr. HARRISON. There were 1 or 2 Republican votes in favor of eliminating the duty.

Mr. SMOOT. There were more than 1 or 2, and the Senator knows it.

Mr. HARRISON. How did the Senator vote?

Mr. SMOOT. The Senator from Utah voted for a tariff on hides.

Mr. HARRISON. Yes.

Mr. SMOOT. Just the same as the Senator from New Mexico [Mr. JONES] and the Senator from Wyoming [Mr. KENDRICK] voted for a tariff on hides. I need not mention the other Senators on the Democratic side who voted for it?

Mr. McKELLAR. How many were there?

Mr. SMOOT. There were quite a number, I will say to the Senator; but, Mr. President, if the duty had been imposed and collected it would not have amounted to 2 cents on each pair of shoes.

Mr. SIMMONS. Mr. President——

Mr. SMOOT. I am not going to enter into this filibuster and keep this discussion up. I want to go on with the shipping bill.

Mr. SIMMONS. I have no wish to filibuster.

Mr. SMOOT. I do not want to be charged with assisting in any filibuster at all.

Mr. SIMMONS. I should like to discuss——

Mr. SMOOT. I am discussing something else besides the tariff bill, which is not now before the Senate.

Mr. SIMMONS. I do not desire to discuss the tariff at this time, but I wish to ask the Senator a question with reference to the illustration he gave as to the prices charged by wholesalers as compared with the prices charged by retailers. Of course if the Senator does not desire me to interrupt him for that purpose I will desist.

Mr. SMOOT. Of course the Senator can ask me a question now, but I should like to finish what I have to say on another matter. The suggestion in regard to the tariff was brought into the discussion by the Senator from South Carolina.

Mr. SIMMONS. I repeat I am not going to discuss the tariff. I will say to the Senator that we have discussed that heretofore, very greatly to the information and edification of the public, and we have had some results from it since, in the last election. We need not discuss the tariff now.

Mr. SMOOT. No; I think we had better not.

Mr. SIMMONS. I do not wish to discuss it, but I do wish to make an observation with respect to the statement made by the Senator a little while ago with reference to the enormous spread between the prices charged by the wholesaler and the prices charged by the retailer, in connection with which he used shoes as an illustration. The Senator showed that there is a spread of, I think, something over 300 per cent between those prices. I was very much gratified that the Senator developed that fact because we had a long discussion here during the last session from which it appeared that the Senators on the other side of the Chamber wished to have the country believe that the big spread between the wholesale and retail prices was due to the extortionate profits charged by importers and department stores who were themselves large importers.

Mr. SMOOT. The department stores are retailers.

Mr. SIMMONS. I only wish in this connection to say I am glad to have this confirmation from the Senator from Utah of the contention we then made in the illustration he now gives of a spread of 300 or more per cent between the wholesale and retail price of a domestic product of universal use. The Senator's statement confirms the contention we on this side of the Chamber then made.

Mr. SMOOT. Mr. President, I rose simply to call attention to the fact that the Senator from South Carolina had in view making the people of the country believe that there were certain manufacturers making 16,000 per cent. He did not qualify it and say whether it was made during one year or not, but he said this was the amount of a dividend that was declared. Then he referred to one particular case where there was a woolen mill with $15,000 capital that made 3,333 per cent.

I rose simply to say that in 1909, when the Payne-Aldrich bill was under discussion, the same thing was brought before the Senate in relation to some cotton mills—some three of them, as I remember—and when the facts in the case were presented to the Senate it was found that there was nothing to the charge. Then I continued by saying that I had no doubt in the world but that during the war not only the woolen mills and the cotton mills but the retailers and the wholesalers in all kinds of business made large profits. There is no doubt about it at all.

All I can say about the $15,000 capital stock is this: If that is all the capital stock they had, that would purchase about 2½ looms. It would not purchase one set of cards. So there is something radically wrong with the statement, and I think if time were allowed, if it were worth while, we could write to this concern and find out just what the facts in the case were; but it is quite certain that there could not be a woolen mill with only $15,000 capital.

I agree in part with what the Senator from South Carolina said in relation to the necessity of assisting the farmer by advancing him the money necessary to carry on his business. Of course, I was always taught when I was young to keep out of debt; that debt was the greatest bondage a man could be

under. If times were normal, and it were possible for the farmer of the country to carry on his business without assistance, my advice to him now would be to keep out of debt; but I recognize the conditions that exist, and I have not any doubt but that the Congress is ready, and not only ready but willing, to pass the legislation necessary to assist him in every way possible.

APPROPRIATIONS FOR DEPARTMENTS OF COMMERCE AND LABOR—CONFERENCE REPORT.

Mr. JONES of Washington submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13316) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "Information regarding the disposition and handling of raw materials and manufactures: For all necessary expenses, including personal services in the District of Columbia and elsewhere, purchase of books of reference and periodicals, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, and all other necessary incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile information regarding the disposition and handling of raw materials and manufactures, $50,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "Public works: For constructing or purchasing and equipping lighthouse tenders and light vessels for the Lighthouse Service as may be specifically approved by the Secretary of Commerce not to exceed $240,000, and for establishing and improving aids to navigation and other works as may be specifically approved by the Secretary of Commerce, $473,000; in all, $713,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 1, 3, and 4.

W. L. JONES,
SELDEN P. SPENCER,
LEE S. OVERMAN,
Managers on the part of the Senate.
MILTON W. SHREVE,
MARTIN B. MADDEN,
W. B. OLIVER,
Managers on the part of the House.

The report was agreed to.

Mr. JONES of Washington. I ask that the unfinished business be proceeded with.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. McKELLAR. Mr. President, for just an hour and a half I have been waiting to talk about the bill under consideration, the ship subsidy bill. I call attention to the fact that Senators on both sides of the Chamber have taken up this time in talking about other matters not connected with the bill. I hope that that time, at least, will not be charged up to those of us who oppose the measure and that no claim of filibustering will be made against those of us who oppose the pending bill, because of this use of time.

Mr. President, the distinguished Senator from Washington [Mr. JONES] has for some time been an advocate, and an ardent advocate, of building up our merchant marine. It will be recalled that two years ago he, as chairman of the committee, brought into the Senate a bill for the purpose of permitting or directing the sale of our ships to private individuals or corporations, and for otherwise building up and maintaining the shipping interests of America. That bill, apparently, has been an utter failure. I voted for the bill, largely upon the strength of the conclusions reached by the Senator from Washington, for whom I entertain the highest esteem and in whom I have very great confidence; but the bill that he then reported has been a failure, as I have stated. At all events, according to the testimony in the hearings, our merchant marine has steadily gone down and down during the past two years, until now the President of the United States, upon the advice of the Shipping Board, has asked Congress to pass additional legislation to effect the very purposes that were proposed and advocated two years ago in the bill that was passed at that time.

Mr. President, the newspapers of the country, those of them that are in favor of this subsidy—and it seems that a very large proportion of them are in favor of subsidizing the American merchant marine—are trying to make it appear that those of us who do not believe in paying a cash subsidy to American shipping are opposed to building up a great merchant marine or opposed to maintaining a great merchant marine. Nothing can be further from the fact. Most of the very strongest advocates of the merchant marine, those who have done more to build it up than perhaps any others, are opposed to the granting of this subsidy. To show you how it works, in 1916, when a merchant marine bill was first passed under which the great merchant marine that we now have was built, my distinguished friend from Washington was opposed to it and voted against it. He now says he is sorry for it, and that is just like the manly, splendid man that he is.

Mr. JONES of Washington. Mr. President, I did not say I was sorry for it.

Mr. McKELLAR. The Senator said that he had changed his mind.

Mr. JONES of Washington. No.

Mr. McKELLAR. I misunderstood the Senator if he did not, and I would not misrepresent him in any way in the world——

Mr. JONES of Washington. I know the Senator would not.

Mr. McKELLAR. Because I have the highest esteem for him and the greatest confidence in any statement that he may make; but I misunderstood him, unless he said a day or two ago, in answer to a question that was put, that he had opposed the merchant marine bill when it was passed—and the RECORD shows that he opposed it—and that he had since changed his mind.

Mr. JONES of Washington. No; the matter of a filibuster came up, and some one, I think the Senator from Ohio [Mr. POMERENE], asked if I had not talked all night with reference to the bill. I said I had, of course, and he asked me if I thought now that I was mistaken then. I said that I did not think I was mistaken then, but that after the first bill had been disposed of and the second bill came up, and many of the objectionable features were eliminated, my impression is that I voted for that bill. That is the present law, the act of 1916.

Mr. McKELLAR. I think if the Senator will look at the RECORD, as I have done, he will find that he is mistaken about that; but I want to say this about it——

Mr. JONES of Washington. That may be true. I say, I have not looked it up; but I did say, I think to the Senator from Florida [Mr. FLETCHER], that there are many things in the act of 1916 that I think are good, and I joined with him in a protest against the abolishment of the Shipping Board. I have always contended, for the last few years anyhow, that that board is a very important administrative body, and I should like to see it made a board to correspond to the British Board of Trade. I should like to see it have much more power than it has now, so as to promote the development of our merchant marine and meet the practices and policies that are carried out by the British Board of Trade with reference to their merchant marine to the disadvantage of all other merchant marines of the world.

Mr. McKELLAR. Mr. President, I accept, of course, everything that the Senator says on that subject. I know that whatever may have been his views in 1916 or prior to that time about building up a merchant marine, since that time he has become an earnest, sincere, and able advocate of the building up in this country of a merchant marine commensurate with the interests of our country. I believe he feels that way now. I know his intentions are the best. I know that what he seeks to do is to build up and maintain a great merchant marine in this country. I differ with him about his conclusions. I have no criticism to make of him personally in any way in the world; but I do believe, however honestly mistaken he may be, that he is mistaken in the conclusion that it is necessary or advisable to give a cash subsidy to our shipping interests in order either to build up or to maintain those interests.

The conditions that exist now and those that existed prior to 1916 in reference to our merchant marine are very different. It might have been argued with some plausibility before we built a great merchant marine that a cash subsidy was necessary in order to build up a merchant marine and maintain it; but now we have over 10,000,000 tons of shipping in this coun-

try. We have one of the best merchant marines of any nation in the world, second only to that of Great Britain. We have some fourteen or fifteen hundred great steel ships that are as good as the ships of any nation on earth, just as good as those of Great Britain. They are already built. It is not a question of building up a merchant marine. As I said, it might have been argued with some plausibility before this great merchant marine was built by this Nation that it was necessary to subsidize it, but now that it has been built, now that we have it, manifestly it is not necessary to tax the American people, already enormously taxed, already taxed almost beyond their ability to pay, it is not necessary to tax them further in the enormous sum of at least some $75,000,000 a year in direct and indirect taxes for the purpose of paying a subsidy to these companies.

Mr. President, it is contended that we ought to give this subsidy in order to build up and maintain a merchant marine that we already have, and that unless we do it, unless we give the cash subsidy, we will not have the merchant marine. All such talk is idle. We are going to keep our merchant marine. We are going to maintain it. We are going to make it a success. We are going to make it one of the greatest ocean-carrying shippings in the world. We are going to make it a success all along the line. This nation is determined to do it; and I have no patience with these temporary officers of the Shipping Board who come here decrying our merchant marine, who come here saying that we are unable to compete with other nations, and that we ought not to compete with other nations for much of the trade. I have no sympathy with them. That is not a patriotic doctrine; that is not a patriotic statement to be made by these officers of the Shipping Board, and it ought not to have been made. We are going to get our part of the commerce of the world.

I want to say right here that in discussing the members of the Shipping Board, and in discussing its chairman, I have nothing personal to say about those gentlemen. I am going to discuss what they propose, and I am going to call the attention of the Senate to the fact that this ship subsidy bill is the outcome of the recommendations of Mr. Lasker. I met Mr. Lasker once, and he is a very nice gentleman, a very kindly man. I do not criticize him personally in any way; but what is there in Mr. Lasker's history, what is there in his business life, what is there in his knowledge of shipping, which would justify a departure from the precedents of over a hundred years, and warrant us in embarking upon this course of taxing the American people in this enormous annual sum, fixing it upon them for a period of 10 years, to carry out his views about shipping?

As I understand, prior to two years ago Mr. Lasker never had anything to do with shipping in his life, and I expect that after about two years he will never have anything more to do with shipping in his future life. He has been engaged in other business. He has not been engaged in shipping. It has not been his life work, and why should we follow his views on a subject he certainly knows no more about than other people?

Mr. President, I am for a real merchant marine, a merchant marine that prospers because it has business to carry, not a weak, sickly, hothouse merchant marine, dependent upon the Government to keep its head above water.

There is little provision in this bill for getting business for our merchant marine. This bill is aimed at a cash subsidy from the Government, pure and simple. Its main purpose, apparently, is to get the Government to tax all the people for the benefit of a few shipowners.

My judgment is that we ought to pass a bill which would result in our getting business for our merchant marine, and after we get the business for it, then it will prosper, whether it is in the Government's hands or whether it is in private hands or whether it is in both.

I am perfectly willing to agree to a bill which will reduce the tariff on all goods brought in in American ships in every case where there is a discrimination against our ships and divide such reduction of duty with the owners of the American ships bringing in the goods. I would gladly support a bill to require all American mails to be transported in American vessels. I would gladly support a bill requiring all American officials—Army, Navy, or any other officials—traveling abroad to travel on American ships. I would gladly support a measure to require that all supplies shipped by our Government be shipped upon American ships. I would be glad to support a bill placing harbor regulations on the vessels of any foreign country which in any way discriminated against American shipping. But I am wholly opposed to the un-American, unfair, and unjust method of paying a cash subsidy to a favored shipping interest, taxing all the people for the benefit of one small fraction of our people.

I want to say this, Mr. President, that we have a number of treaties with foreign countries. As far back as 1913 or 1914 we passed a law looking to the annulment of those treaties. In a recent act we called upon the President of the United States to annul those trade treaties which interfere with and put restrictions on American ships. Both a Democratic President, Mr. Wilson, and a Republican President, Mr. Harding, declined to carry out the mandate of Congress, and those treaties are still in existence. I would willingly vote for a law annulling those treaties, which we have a right to do, and then we could take care of ourselves by passing such laws as we wanted to build up the American merchant marine, as against any nation which put restrictions upon our shipping. I shall later offer such an amendment to this bill.

Mr. President, this bill must succeed or fail under the testimony of Mr. Albert D. Lasker. He is the father of the proposition. He is the principal witness who has been brought before the Congress in advocacy of this bill. He has testified at length. If upon his testimony this bill ought to be passed, it might be contended by Senators here that we should pass it; but I say that no fair-minded man, unblinded by prejudice of any kind, can read Mr. Lasker's testimony and come to any other conclusion than that this bill ought not to be passed, and I am going very briefly to refer to Mr. Lasker's testimony in chief, as shown in the first volume of the hearings.

Mind you, he talks about subsidy. He has little if anything to say about acquiring business for our merchant marine. Acquiring business is not in his mind. He wants to get rid of the ships. He wants the Government to dispose of them to private parties, and then pay those private parties a cash subsidy for running them. That is the burden and gist of his testimony. He does say in one place that there are some new markets to the south of us and to the east of us from which we might get some trade, but otherwise he pays no attention to the question of getting business. Substantially he concedes that the Atlantic business, which is the cream of the business, we are not entitled to.

In no part of this long explanation of our country's shipping business does he dwell upon the necessity of our doing business and getting business from foreign countries. He talks about the necessity of our merchant marine being used in time of war as an auxiliary to our Navy. This is a matter that he has nothing to do with except indirectly. He was put at the head of the Shipping Board for the purpose of building up our merchant marine, not for the purpose of building up our Navy. Our Navy is in other hands. His entire evidence is a complaint against our merchant marine. First, it is not evenly balanced; second, it can not be economically run; third, we need faster ships. He talks about our needing 1,250,000 gross tons of faster passenger ships and about the same amount of faster cargo ships, and then he blandly tells us that we have in operation only 421 ships, the remainder, more than a thousand, being laid up in our harbors.

Mr. SHEPPARD. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	George	La Follette	Shortridge
Borah	Gerry	Lodge	Simmons
Brandegee	Glass	McCumber	Smith
Brookhart	Gooding	McKellar	Smoot
Calder	Harris	McKinley	Sterling
Cameron	Harrison	McLean	Sutherland
Capper	Heflin	McNary	Swanson
Caraway	Johnson	Moses	Trammell
Couzens	Jones, N. Mex.	Overman	Underwood
Curtis	Jones, Wash.	Page	Walsh, Mass.
Dial	Kendrick	Poindexter	Watson
Dillingham	Keyes	Pomerene	
Fernald	King	Robinson	
France	Ladd	Sheppard	

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum is present. The Senator from Tennessee will proceed.

Mr. McKELLAR. Mr. President, when I was interrupted I was discussing the testimony of Mr. Lasker, the chairman of the Shipping Board. He next makes the astounding statement that 3,000,000 tons of our 6,000,000 tons of cargo shipping is all that is necessary or needed by our country. He makes the further astounding statement that 3,000,000 tons of this steel cargo shipping ought to be dismantled. Here is the chairman of the Shipping Board coming before the Congress asking to dispose of the steel tonnage that he has on hand. He said he believed that 3,000,000 tons of it could be disposed of, that only 3,000,000 tons

is needed by America, and that the other 3,000,000 tons should be dismantled or scrapped. The 6,000,000 tons of shipping no doubt cost the taxpayers of this Republic something like $2,000,000,000. It must be worth somewhere in the neighborhood of $1,000,000,0000. Mr. Lasker comes before the Congress and testifies that 3,000,000 tons of ship steel cargo shipping should be dismantled and should be put out of competition with the first 3,000,000 tons which he desires to sell to private owners, and at the same time he blandly asked the Congress to create a revolving fund of $125,000,000 for the purpose of building new ships. In one section of the bill he wants authority to dismantle and junk one-half of all the steel cargo ships, and in another provision of the bill he asks to have a revolving fund of $125,000,000 arranged by the Government to enable him to built new ships for the shipping interests. How are we to follow these remarakable recommendations? What is the reason for these remarkable recommendations?

He declares that 3,000,000 tons of our cargo shipping is of no value. He declares that we ought not to have but 3,000,000 tons anyway; that the second 3,000,000 tons we now have must be disposed of so that American interests shall not be hurt. Under no circumstances, he declares, shall the second 3,000,000 tons that we now own be used in such a way as to come in competition or to hurt the 3,000,000 tons that is proposed by him to be turned over to the shipping interests. He says on this subject:

> Automatically the 3,000,000 poor tons must be done away with.

The remaining 3,000,000 tons must be junked or dismantled. He states that we do not need more than 3,000,000 tons; that we can only use 3,000,000 tons economically; that we own 1,242 steel ships and that only 421 are being used, 1,021 are tied up; that on these 421 the Shipping Board is losing $50,000,000 annually. He admits that in the year 1921 America carried under her own flag 51 per cent of her foreign trade; that by excluding the trade in the Great Lakes and the Caribbean he shows that American ships carried only 24 per cent and that 5 per cent of this was carried in privately owned ships and 19 per cent by the American merchant marine. He is opposed to the Government running the ships. He says that it is true we are carrying daily 87 per cent of our own trade to Mexico and 57 per cent of the Caribbean trade in our own ships, but he claims that neither the needs of trade with Mexico or the Caribbean call for that type of ship, which is the very backbone of the second line of our Navy, and besides, this kind of ship is not serviceable anyway.

The ridiculousness of this statement is manifest in view of the figures he gives, that in these ships we are carrying 87 per cent of the one trade and 57 of the other. He says it is appalling to think that only 19 per cent of the American trade is carried in Government-owned ships. He says that the Government admits its inability to operate its ships in competition with privately owned ships of the world; that the loss to the Government of $50,000,000 a year does not include interest on capital invested, insurance, or depreciation; that the Government ought not to have entered into governmental operation. He thinks the Shipping Board is fast approaching perfection, but that no governmental operation can compete with privately owned ships; that when the present board took over the management of the ships they were paying too much commission to those who ran them, but they were not to blame for it. Nobody was to blame for any of the failures of the Shipping Board, past or present. He believes that they have built up a splendid organization in the Emergency Fleet Corporation; that it would compare favorably with any private organization, but that such organization "is discouraged by the impossibility of creating any proper operation through Government ownership," and then, in a spirit of fine frenzy against the board which he was selected to preside over and make successful, he says:

> But let us not be deceived; conditions still are bad and will ever remain so under Government ownership because of the impossibility of competing with private operation. Both the sense of initiative and responsibility found in private operation are lacking. Initiative is lacking because neither those employed by the Fleet Corporation nor the managing agents nor their employees in turn have the slightest notion they are building up anything permanent for themselves. At any time Congress may see fit to so reduce salaries that men of ability can no longer afford to stay with the Fleet Corporation.

Mr. President, Mr. Lasker, the chairman of the Shipping Board, says the principal trouble or one of the troubles in the Shipping Board is that they do not pay salaries sufficiently high, and yet he knows that the salaries paid by the Shipping Board are a national scandal. There are three employees of the Shipping Board who are getting salaries of $35,000 a year. That is more than twice as much as the Chief Justice of the United States receives. It is more than four times as much as any Senator or Congressman receives. It is more than any other official of the Government at all receives, except the President of the United States. In so far as salaries are concerned, no organization within the Government is paying such salaries as members of the Shipping Board are receiving, and yet the chairman of the Shipping Board comes here and makes the statement that one of the reasons for the failure of the Shipping Board to do anything in the last few years is because the salaries of the employees of the Shipping Board are not large enough. A large portion of his speech before the committee was taken up with the complaint about small salaries, and yet when I mentioned salaries in the manuscript of the argument I am making, when I said $35,000 a year and said something about it being pitifully small, the printer put a question mark in the margin about it! No officials of the Government, other than those of the Shipping Board, receive anything like half the salaries paid to those officials of the board.

Evidently we see the trouble. Their salaries are not large enough in the Shipping Board. The pitifully small and indecent salaries of $35,000 a year to men some of whom never received any such salaries before is, of course, sufficient to make it impossible to succeed in the control of our merchant marine. Of course, initiative is lacking, because the head of the corporation is in doubt, does not believe in the system, is opposed to the system, wants to see it fail. I want to suggest to the chairman of the Shipping Board that the employees of the Government have no business looking out for themselves only. It is their duty to look out for the interests of the Government and the Shipping Board. If they are not satisfied with the salaries they are getting, they can go into other business and there are men who will take their places who do believe in making the Shipping Board a success and in making it permanent.

A large portion of the chairman's speech is taken up with the crying against the small salaries paid by the Shipping Board, and yet, as we all know, the salaries received by the high officers of the Shipping Board—not the members, of course—are greater than every officer in our Government except alone the President, and they are not far behind him; and yet the chairman of the board talks about the failure of the board because of the failure of the Government to pay higher salaries. He then says that the Government can not continue to run the ships because they will wear out, even with proper repair. He says that he believes within 20 years our fleet would be worn out and gone. This statement is ridiculous. I doubt if there is a man in this body who has ever crossed the ocean who has not crossed it in ships more than 20 years of age. No wonder the Shipping Board is not a success when its presiding officer talks in this way.

And then he goes on to say in substantiation of his claim:

> Our contact with this thing is closer than others, and I am sure the members of the Shipping Board will join with the trustees of the Emergency Fleet Corporation in attesting that I truly record our experience.

His experience is two years. He never was in the shipping business before, and after he retires from his office, with all due respect to him, he will never be in the shipping business again. He certainly ought not to be.

He then undertakes to give the only reason advanced by him why private ships under the American flag must be governmentally aided—namely, because of the higher standards of living of American labor in the shipyard and on the ship. We will discuss this matter presently. After going over the matter of aid, he says:

> There is no hope of the establishment of a merchant marine through insufficient aid.

And, by the way, all through his testimony Mr. Lasker testifies, not once but innumerable times, that there is no hope for the American merchant marine; that it can not compete with the merchant marine of other nations; that we can not get business; that we can not be successful. He is decrying against the American merchant marine from the beginning to the end of his testimony.

> Rather than insufficient aid, let us have no aid at all and leave the question open until such time as we will give sufficient aid to insure our purpose. The achievement of our purpose should be our aim, not to fool ourselves and others and achieve failure by doing too late when we seem to be doing enough. We should take advantage at this time to write upon our statute books every possible indirect aid that can be uncovered and which can be properly used. * * * We must do enough or nothing (p. 15).

He then tells how he proposes to sell the ships. It is asked that the Shipping Board fleet be sold at world prices, regardless of the cost of construction. He says:

> The cost of construction is a war cost and should be written down to zero.

If he sells the ships at "zero" prices, how does he propose to get $200,000,000 for them? He says he does not believe that he can sell more than 100,000 tons out of the 6,000,000 tons.

How can he get the $125,000,000 out of 100,000 tons? But there is a better demand for ships than he thinks; yet he proposes to sell the ships for $200,000,000. After taking care of the charges of the Shipping Board it will take every dollar of the remainder to provide a revolving fund of $125,000,000 which is authorized in this bill. So that the shipping interests, just as he started out by saying, will get the ships at zero prices or pay nothing for them. I suppose that he means that we should give away the ships, because if the cost of construction is down to zero we are not entitled to any profits on zero. Then he goes on to say:

Whatever we get out of salvage is a profit, and if this fleet, built for war, can be turned into peace-time purposes, we shall verily have performed the miracle of turning the sword into the plowshare. No other of our war-time expenditures shall have such noble salvage. The sale of the Shipping Board fleet at world prices means that those that buy will not have higher capital charges than others to the extent of the tonnage they thus acquire (p. 16).

And to show what is in the chairman's mind, we find on page 13:

At the present time there is by and large no markets—

Meaning world markets—

for our vast tonnage.

In other words, here we have about 10,000,000 tons of ships that we are forced to sell in world markets, when there are no purchasers and when we are told by the chairman that they are only worth zero. In other words, it is perfectly apparent that he means to give away these ships.

We next come to Mr. Lasker's discussion of indirect aid.

In connection with that subject as to some features of his suggestion I agree with him, while as to others I do not agree with him. As I have said, I think our mails ought to be carried in American ships. Until a short time ago more than half of them were carried on foreign ships; wherever our authorities could make contracts with British ships to carry American mails they did so; but Congress got busy several years ago and required a portion of American mails to be carried on American ships, and now the greater portion of them are carried on American ships. All of them ought to be carried on American ships. None of the vast mail of Great Britain to this country comes in American ships; with the two lone exceptions of Finland and Esthonia no other nation employs American ships to carry its mail. The Government not long ago made contracts with those two little countries for a few hundred dollars to carry what small amount of mail they have. It is perfectly manifest that trade and mail go along together, and, of course, it would be a very wise and proper thing for us, under proper regulations as to cost, to give to the American merchant marine our mail contracts.

I next come to another proposal of indirect aid, as set out by Mr. Lasker, which, I think, is proper, and that is the matter of bringing immigrants to this country. We admit now immigrants of various nationalities on a ratio of 3 per cent to those who are already resident in this country. In other words, our immigration has been cut down enormously in the last two or three years, but even under this decreased immigration the transportation charges for bringing immigrants to this country is about $17,000,000 a year. There is no reason in the world why the business of bringing immigrants to this country should be carried on in foreign bottoms. We restrict immigration; we have absolute control over immigration, and there is no reason in the world why we should not build up our merchant marine by requiring not 50 per cent of the immigrants to travel on American ships but by requiring all of them, if need be, to be transported on American ships.

I think such a policy would be very much better for our country, and I think we should get a very much better class of immigrants if we required all of them to be brought here in American vessels and under the control of American officials. With that provision of the bill I am in hearty sympathy.

I next come to the question of the ships on which our agents travel across the seas. Mr. President, when American officeholders go abroad they do not deign to go on American ships; they are not willing to travel on American ships, but they want to go on British ships for the most part. At all events they want to go on a foreign ship. Last year we paid out—and I think it will be a very astonishing statement to those who are not familiar with the situation—the enoromus sum of $7,500,000 to the owners of foreign ships to carry Government passengers and freight across the Pacific Ocean. The amount paid for such travel across the Atlantic Ocean and in the other oceans of the world is doubtless more than that; so that the Government spends annually for carrying Government freight and Government officials across the ocean not less than $15,000,000. Of course, that is not good business.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. McKELLAR. I yield.

Mr. SIMMONS. Does the Senator mean that we are spending that amount now, or that we were spending that amount during the war?

Mr. McKELLAR. We are spending that now. We spent that amount last year, if Mr. Lasker is giving us the facts. He states in his testimony that in the Pacific Ocean alone last year the Government paid to foreign ships for the transportation of Government passengers and freight the enormous sum of $7,500,000.

Mr. SIMMONS. Has the Senator from Tennessee the separate figures as to the amount which was paid by the Government for the transportation of passengers, and can he state that amount?

Mr. McKELLAR. No; Mr. Lasker does not give that.

Mr. SIMMONS. Can the Senator tell us what character of passengers they were? Were they Government employees?

Mr. McKELLAR. They were agents of the State Department, of the War Department, of the Navy Department, of the Department of Commerce, and of the Department of Labor and other departments.

If the Senator from North Carolina will recall, just a day or two ago in the consideration of the consular and diplomatic appropriation bill there was inserted an item of $30,000 for the purpose of carrying our consular and diplomatic agents across the waters during the next year. I secured the adoption of an amendment to the bill providing in effect that such employees should be carried in American ships, unless some urgent or proper reason for not doing so was certified by the Secretary of State.

Mr. SIMMONS. Is any part of the money paid by the Government for the transportation of its officers and agents and employees for travel between this country and foreign countries to which we have regular lines of steamboats operated by the Shipping Board?

Mr. McKELLAR. I judge so, from Mr. Lasker's testimony. He states that $7,500,000 was paid to foreign shipowners on the Pacific Ocean alone. I imagine our principal trade in the Pacific Ocean is between the Pacific coast and the Philippine Islands and China and Japan. As to that ocean alone we have the figures. In the other oceans of the world it is more than double that sum, I should imagine. I imagine that what the Government pays out for the transportation of passengers and freight in all the oceans of the world yearly to foreign shipowners amounts to some $15,000,000; and I think that we very properly ought, under proper safeguards as to cost, to require those passengers and that freight to be carried in American bottoms.

Mr. SIMMONS. Mr. President, what does the Senator estimate to be the amount of subsidy to be paid under this bill?

Mr. McKELLAR. If the Senator will permit me, I will reach that in a few moments; but if he is going to leave the Chamber, I will turn to it now.

Mr. SIMMONS. The only reason I asked the question was to ascertain what proportion of the total amount is represented by the $15,000,000 referred to by the Senator.

Mr. McKELLAR. I have the different items, and I will give them to the Senator right now, and perhaps refer to the same subject a little later on. I have stated the figures under the head of "The cost of the bill."

The cost of this bill in indirect and direct subsidies will be at the lowest calculation $77,000,000 a year. The items showing this cost, as found in the bill, are, first, 10 per cent of customs duties, which, as the Senator knows, are impressed with a prior lien for the purpose of paying the cash subsidy.

The customs revenues are estimated at $350,000,000 a year. That figure is based upon our present income derived from customs duties. The Senator will recall that from the Underwood-Simmons law we had been collecting at our ports something like $350,000,000 a year for several years past, and therefore 10 per cent of that amount, or $35,000,000, would be available for the purpose provided for in the bill.

Our Republican friends say that under the Fordney-McCumber tariff law there will be a larger amount of revenues collected than under the Underwood-Simmons law; they say the amount of customs revenue will reach $450,000,000, or possibly $500,000,000, a year. If that should be the case, then 10 per cent of $450,000,000 would be $45,000,000, which amount, or $50,000,000, as it may turn out, would be available for the purposes of the bill. In my remarks I have based the calculation in this instance on the revenues derived under the Underwood-Simmons law and have placed the amount therefor at $35,000,000.

Then, under this bill, income-tax exemptions are allowed amounting to $10,000,000. In addition to that there are provisions in regard to exemptions from tonnage duties which will amount to another $4,000,000 a year.

Furthermore, there are provisions for the transportation of Government employees and Government freight which will amount to $15,000,000; and, in addition, there should be considered the cost of the transportation of Government mail, which will amount to not less than $5,000,000. Lastly, there is the provision requiring the transportation in American ships of one-half of the immigrants coming to this country, the amount involved in that instance being $8,000,000 or a little more, making the total amount, as I have said, $77,000,000.

COST OF THE BILL.

The cost of this bill in direct and indirect subsidies will be at the lowest calculation $77,000,000, and the items showing this cost are found in the bill and are as follows:

10 per cent custom duties	$35,000,000
Income-tax exemptions	10,000,000
Tonnage duties	4,000,000
Transportation of Government passengers and freight	15,000,000
Transportation of Government mails	5,000,000
Transportation of immigrants	8,000,000
Total	77,000,000

This sum may be greatly increased. The Underwood tariff bill brought in the neighborhood of $350,000,000 a year, and if the Fordney-McCumber bill brings additional duties, as was claimed for it, the amount arising from this source will be more than $35,000,000. It has been estimated it may reach $45,000,000.

Various estimates of income-tax exemptions have been noted, some of them going up as high as $20,000,000.

Mr. Lasker himself estimates transportation of Government freight and passengers in the Pacific alone at $7,500,000, and, of course, in the Atlantic and all other seas of the world it will amount to more than $7,500,000 additional.

Again, of course, it is shown that the cost will be much more than $50,000,000 from the very fact that the Shipping Board has the right to double the direct compensation.

Senators, if you pass this bill, it will just be an entering wedge for future raids on the Treasury by the shipping interests. They will have a lobby here at all times, and there is no telling to what extent the American people may be taxed in the future if we permit this additional raid on the people's money to be successfully carried out. So that the President is entirely wrong in saying it will be cheaper for the taxpayers to pay these bounties rather than to pay the losses now taking place.

I will pause here long enough while I am on that subject—I intended to reach it later—to say that the President comes before Congress and says we are losing $50,000,000 a year under existing conditions. The Senator from Florida [Mr. FLETCHER] on yesterday showed how mistaken the President was in giving those figures. Of course, the President is not to blame; he secured his figures from Mr. Lasker as furnished him by the Shipping Board; but, as was demonstrated here yesterday by the Senator from Florida, $33,000,000, the loss for the present year, was the greatest loss which the Shipping Board has sustained. So, instead of the loss being $50,000,000 a year, it is less than $33,000,000. The President, however, says that if we pass this bill the drain on the taxpayers of the country will not be so great as it is now; and yet it is perfectly evident that those who will derive the benefit of the subsidy will receive not less than $77,000,000. Of course $33,000,000 is less than $77,000,000, the President and Mr. Lasker to the contrary notwithstanding, and, as the Senator from North Carolina knows, the Shipping Board has the power under this bill to increase the cash subsidies given under the bill to double what is proposed. So we know as a matter of fact that, instead of the President being correct, instead of Mr. Lasker being correct, instead of losing $33,000,000 a year, as we have done this year from the operations of the Shipping Board, we will tax the American people not less than $77,000,000, and I believe the amount will be a great deal more than $100,000,000 if we pass this bill. That is the difference between what is proposed and what will actually happen.

Mr. SIMMONS. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. SIMMONS. I want to thank the Senator for myself and, I am going to say, for the country for his explanation as to the actual amount which the Treasurer will have to pay out in the shape of a bonus if this proposed legislation shall pass. I myself have not thoroughly investigated, as the Senator has, the question of ultimate cost, but, judging from the statements which have been made by the proponents of the bill, I had not the remotest idea that the amount to be paid out by the Government would be anything like the staggering sum the Senator now demonstrates will have to be paid out annually by the Treasury.

Mr. McKELLAR. Mr. President, in direct and indirect subsidies granted under this bill it will not be a dollar less than $77,000,000, and in my judgment it will mean the taxation of the American people, directly or indirectly, to the extent of not less than $100,000,000 a year. Furthermore, the Senator knows, and we all know, that once this subsidy is granted to the shipping interests, from now on we will have a lobby here working with Members of the House and working with Members of the Senate to increase the gratuities that are given in this bill. It is the history of all gratuities. As soon as you give a gratuity there is an immediate demand for an additional gratuity from the parties who get it.

I want to say right here—and I will depart from the order in which I expected to make the proposals that I have here long enough to say it—that we not only have here the granting of a subsidy itself but we are establishing two principles, two policies, that ought not to be established in this country. One of them is to tax all the people for the benefit of this favored class of people and pay the money to them. The other one is that while every other citizen of this Republic is taxed under the income tax law—there are no exceptions; the President is not excepted; the Chief Justice of this Republic is not excepted; no person is excepted except alone the shipping interests that are so tenderly cared for in this bill—the income taxes alone that are remitted to this favored class of people will amount, according to Mr. Lasker, to not less than $10,000,000 a year, and according to other experts the amount may run as high as $20,000,000 a year. It is an indefensible proposition.

Mr. JONES of Washington. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. JONES of Washington. I think I ought to suggest to the Senator there that the Commerce Committee has stricken out, by way of amendment, those provisions. Of course, the amendment has not been adopted, but that is the recommendation of the Commerce Committee—that those provisions be stricken out.

Mr. McKELLAR. I am delighted to hear that. They appear in the bill as reported by the committee, and there has been no formal notice here that such an amendment was going to be offered.

Mr. JONES of Washington. Oh, yes; it is stricken out in the bill, beginning on page 10 of the printed bill.

Mr. McKELLAR. Down to page 20?

Mr. JONES of Washington. Yes; I think about that far.

Mr. McKELLAR. All of Title II is stricken out?

Mr. JONES of Washington. Yes.

Mr. McKELLAR. I congratulate the Senator.

Mr. JONES of Washington. Well, that is hardly correct—not all of Title II, but all of Title II relating to the exemption. There is a depreciation provision that stays in.

Mr. McKELLAR. How much will that amount to?

Mr. JONES of Washington. That is just a provision with reference to fixing a rule for determining the depreciation of vessels. Of course that does not amount to any particular sum. I do not know how much it would amount to. It is more particulary designed to determine a basis to put our people upon an equality with other people in the way of depreciation. The tax exemptions appear from page 9 down to line 19, page 18, of the bill.

Mr. McKELLAR. In the first place I want to congratulate the Senator from Washington and his committee on taking this un-American, unnecessary, improper special favor, special privilege, out of the bill. It ought to have been taken out, of course. It ought never to have been in the bill. I congratulate the Senator and his committee upon their fairness and sense of justice and sense of Americanism in not forcing all other American taxpayers to pay income taxes and permitting only the favored shipping trust, which is proposed to be built up by this bill, to have its income taxes remitted.

Mr. TRAMMELL. Mr. President——

Mr. McKELLAR. I yield to the Senator from Florida.

Mr. TRAMMELL. Do I understand that the bill as originally recommended by Mr. Lasker contained the provision about which the Senator complains?

Mr. McKELLAR. Oh, of course; he laid great stress upon it.

Mr. TRAMMELL. And that was indorsed by the President?

Mr. McKELLAR. It was indorsed by the President and indorsed by Mr. Lasker. Well, I will say this: The President's indorsement of it just referred to the whole project as submitted by Mr. Lasker. As I understand, President Harding has taken this position about the bill: Mr. Lasker caused a study, as he calls it, to be made by experts in his board as

to what kind of a bill ought to be prepared and passed; and thereupon, after he had received the bill as prepared by those who made the study, he approved it and recommended it to the President, and the President has already recommended it twice, I believe, or maybe three times, to the Congress.

Mr. TRAMMELL. That is the original form of the bill as it passed the House?

Mr. McKELLAR. It passed the House in that shape.

Mr. JONES of Washington. Mr. President, I think it is but fair to say that these two provisions are in the act of 1920, signed by a Democratic President, passed without any party division in the Senate and in the House, or at least in the Senate, and that the language of these two provisions is simply the expert language expressing the exemptions provided in the act of 1920.

Mr. McKELLAR. Then, as I understand, if these provisions are stricken out as the committee has stricken them out it will leave the present law, which is a modified and a lesser proposition than is contained in this bill?

Mr. JONES of Washington. No; I doubt if it is a lesser proposition than contained in this bill in these respects, but——

Mr. McKELLAR. Then why was the amendment offered?

Mr. JONES of Washington. Here is the situation: The provisions in the act of 1920 have never really been put into effect, because the rules and regulations provided for therein have not yet been framed and adopted by the Treasury Department.

Mr. McKELLAR. I am very glad to hear that; and I want to say to the Senator that when we come to consider the bill I am going to offer an amendment repealing the provisions of the act of 1920 in so far as exemption from income taxes is concerned. It ought to be done. It is absolutely without merit of any kind, nature, or description. It is unfair and unjust to the other taxpayers of this country to have to pay income taxes and have the shipping interests of the country not required to pay them.

Mr. JONES of Washington. I want to say that, in my judgment, there were most excellent reasons for the incorporation of the provisions in the act of 1920. I do not believe we ought to bring any partisanship into these matters if we can keep it out, but——

Mr. McKELLAR. That view of it is entirely satisfactory to me, but I am afraid a good deal of partisanship has been brought in.

Mr. JONES of Washington. Not by me.

Mr. McKELLAR. No; not by the Senator from Washington. I acquit him and exonerate him.

Mr. JONES of Washington. I do want to say, however, that this provision was proposed by the Senator from Louisiana [Mr. RANSDELL]—I know he would not object to my saying so—in the act of 1920; but, as I say, it appealed very strongly to all the members of the committee. My recollection is that the Senator from North Carolina [Mr. SIMMONS], who was a member of the committee, did not oppose it at that time because, of course, the conditions were different then from what they are now, and the purpose of those amendments was to encourage the building of some new, up-to-date ships that everybody concedes that we need, and it was thought that the excess-profits taxes and different taxes then could be used to very great advantage. While it would relieve the individuals, of course, yet it would not relieve them from actual taxation. They would have to put that money into the fund used for the building of these ships.

Conditions are entirely different now from what they were then, but those are simply the facts—that the provisions are in the act of 1920, and this is simply putting them in expert language, they claim. We used what we thought was just plain, common-sense language in telling what it was desired to do, but apparently the experts of the Treasury and other departments could not tell what we wanted to do, and so they have never yet adopted the rules and regulations to carry them out; and our committee thought it was well then to strike these provisions out of this bill.

Mr. McKELLAR. I believe this is one of the first occasions I have ever had in my life to compliment most cordially the expert. Long life to them, if they will keep the hands of private interests out of the Treasury!

Mr. JONES of Washington. They were not intending to do it.

Mr. McKELLAR. I hope they will not attempt to put new life into the old law, because we are not going to have a new law on the subject, according to the report of the committee, and I am going to recommend to the Senate very urgently that it adopt some amendment repealing the remission from taxation provisions of the old law.

While I am on that subject, I want to stop long enough to ask the Senator from Washington if, under the old law, what is known as the Standard Oil fleet and the United States Steel Corporation fleet and the United Fruit Co. fleet are exempted from their income taxes?

Mr. JONES of Washington. They would be covered by that provision in the act of 1920; that is, they would be permitted to take advantage of that provision.

Mr. McKELLAR. In other words, there would be a remission of taxes to the Standard Oil Co., the United States Steel Corporation, and the United Fruit Co., each of which has a most successful and flourishing fleet of ships of its own?

Mr. JONES of Washington. They were not excepted at that time. The real object of those two exemptions, as I said, was to secure the building of fast combined passenger and freight ships that we do not have. That was the object of it, and that was the only justification that the committee had for recommending it to the Senate, and there was not any controversy on the floor of the Senate with reference to it.

Mr. McKELLAR. All I say is, in perfect good nature, that the Senator from North Carolina and the Senator from Louisiana were certainly wrong when they sat there and permitted that provision to go in two years ago—that is, if they could have kept it out—just as I believe the Senator from Washington was wrong in 1916 when he was not cordially for building up our merchant marine as then proposed.

Mr. JONES of Washington. I want to suggest that those Senators did not sit here and let it go through. The Senator from Louisiana [Mr. RANSDELL], I know, was very earnestly in favor of it, and proposed it.

Mr. McKELLAR. Well, that just made him still more wrong.

Mr. JONES of Washington. That is just a difference of opinion as to the correctness of their judgment or the Senator's.

Mr. McKELLAR. Oh, of course; but in my judgment they were very wrong in voting these special privileges to the great shipping interests that I have named and other shipping interests that are in a similar situation.

Now, Mr. President, I want to return to the program I have mapped out to say this:

Mr. Lasker's testimony on examination in chief and cross-examination makes it absolutely impossible for anyone to vote for this bill for the reasons that he gives; and why do I say that? I hope Senators will listen to me.

Mr. Lasker says that the reason for our taxing the American people and giving this special subsidy to the shipping interests is, first, that there is a difference now in original capital cost of building ships between our country and foreign countries, and that they can be built for less in foreign countries than they can here in our country, and that this subsidy will equalize the costs.

The next proposition is that the interest rates are less in foreign countries.

The third proposition is that the insurance rates are less in foreign countries.

The fourth proposition is that the labor cost is less in foreign countries.

The fifth proposition is that subsistence costs on our ships are greater than they are in foreign countries.

Those are the five propositions.

I maintain that Mr. Lasker himself has disproved every one of those propositions, and I propose to show it by the record. I first call attention to the original capital cost. It is proposed by Mr. Lasker to sell these ships at $30 a ton to the shipowners. He says that is the world's price. By the way, there is no world's price. How can he talk about a world's price for shipping a year like this? It is absurd and ridiculous. Probably nearly half of the world's shipping is hung up in the harbors. Sixty-five per cent of Italy's ships are laid up. Twenty-five per cent of Great Britain's enormous merchant marine is laid up, without business. We have some 10,000,000 tons laid up without business, without cargoes. Who is going to buy those ships? He talks about selling them at world prices. He talks about giving subsidies in order to sell them. Who is going to buy them? Mr. Lasker himself does not claim in his testimony that even if this bill passes he can sell over 100,000 tons out of 10,000,000 tons. Why are we talking about selling them?

While I am on that subject, let me say this, it seems to me that a 10-year-old child ought to know better than to suggest the selling of ships at such a time. America, with the greatest merchant marine in the world, second to that of Great Britain, over 6,000,000 tons of great steel cargo vessels and a very large amount of passenger tonnage, the greater part of it laid up,

doing nothing. It can not be sold at any price. I doubt if it could be given away. He should have said also that that condition obtains throughout the world. It obtains in England, in Norway and Sweden, in Denmark, in France, in Italy, Japan, and everywhere. There never was such a depression in shipping in the world as there is to-day. It is the worst year the shipping interests have ever had. They have not the cargoes; they have not the business.

Why should we take these splendid ships this year and undertake to sell them? They cost us $3,000,000,000. Of course, I do not charge any wrongdoing. I do not know of any wrongdoing anywhere in regard to the matter, but if it were desired to defraud the Government, you could not find a better time to do it than now, nor a better way than by putting these ships on the market at the present time. They can not sell them. There is no way to sell them. They could not sell them if you passed this bill. The Shipping Board have had the authority to sell them, under the present law, for two years, but they have sold practically none, because there is no market for them; and when Mr. Lasker talks about a world market and selling these ships at world-market prices, he is talking about something he knows is misleading.

But I go on about the capital cost. Representative HARDY cross-examined Mr. Lasker. Mr. HARDY had made a study of the needs of the shipping business, as his cross-examination showed. Mind you, Mr. Lasker proposes to sell but 3,000,000 tons of cargo shipping. He wants to scrap the other 3,000,000 tons. He is fixing to organize a trust. He is fixing to give away the 3,000,000 best tons of shipping, as he calls them, to private interests, and pay a subsidy, in these hard times, to run them, and then he proposes to sink or dismantle the other 3,000,000 of what he calls poor tons, so that they may not come in competition with the 3,000,000 good tons in private hands in the future. Was there ever a scheme better calculated to build up a trust in this country? I say there never has been. This is what Mr. Lasker said about the capital cost:

(Hearings, page 25.)

Mr. HARDY. Then, as to that 3,000,000 tons, is there any advantage to the Britisher on the question of original cost—that is, your first element?

Mr. LASKER. Taking it by and large; no.

And again:

(Hearings, page 26.)

Mr. HARDY. Now, then, to get get back to the question, with this little bit that is owned and with the vast quantity that may be sold by the Shipping Board to enterprising merchants in America at the cheapest price in the world, have they not got an equal opportunity, so far as original cost is concerned, with the British?

Mr. LASKER. Over a term of years, the answer is unequivocally "Yes."

And again:

(Hearings, page 28.)

Mr. HARDY. All right. What I wanted to get at is this: That according to your statement, the American shipowner now can get his ships as cheaply as they can be gotten in the world, of the same kind?

Mr. LASKER. Yes, sir.

This enormous shipping, which he wants to sell at zero prices, is already built, and if he is allowed by this bill to sell it at zero prices, that will be cheaper than any other nation in the world can build ships. Even Mr. Lasker knows that. He has learned that much about shipping. It did not dawn on him at first, but at last it has dawned on him that that is cheaper than they could be gotten for in other countries.

INTEREST.

The next item of difference mentioned by Mr. Lasker is interest, and a complete answer to this is the act of 1920. The Shipping Board is authorized under that act to lend money to shipowners at any rate of interest. They can lend it at 1 per cent or 2 per cent or any other per cent. They can lend it cheaper than England lends it to her shipowners. The present bill increases the rate of interest and Mr. Lasker says he is satisfied with the present bill. Besides this, he admits in his testimony that the interest rates authorized by us are less than those of Great Britain. He says:

(Hearings, page 32.)

Mr. HARDY. Do you anticipate the Britisher can get any better terms of interest?

Mr. LASKER. No, sir. If I thought he would be able to do it I would have proposed less than I have.

He proposes 2 per cent. I stop here long enough to say that it took those of us who felt an interest in agriculture in this country some 10 years to get a bill passed by which the farmers could go to the Government and borrow money on a 50 per cent valuation of their farms at 5½ per cent interest. Yet by this bill, recommended by Mr. Lasker and recommended by the President of the United States, they come forward and say, "We sell you the ship at zero, then lend you two-thrids of its value," instead of one-half, as they lend the farmers, "at 2 per cent," instead of 5½ per cent. Who is going to stand for that discrimination against the American farmer? We will lend to the American farmer 50 per cent of the value of his farm, the best security in the world, at 5½ per cent, but we will take the shipping trust and let them appraise their ships, not half as good security as the farm, and we will lend them the money on two-thirds of the appraised value, according to Mr. Lasker, at 2 per cent. I thank the House for having put it up to 4½. What the conferees will make it, I do not know, but I imagine Mr. Lasker will have his way about it, so that he can lend money to these favored interests of his at rates cheaper than British rates.

Mr. JONES of Washington. Mr. President, I want to suggest to the Senator that as the Senate committee has approved the House rate that matter will not be in conference.

Mr. McKELLAR. It is a long time before it will get to conference. If it is agreed to it will be 4½ per cent.

Mr. JONES of Washington. The committee recommended it.

Mr. McKELLAR. I know it has been recommended, but it may be changed before it gets to conference.

Now, I read further from the testimony:

Mr. HARDY. Do you anticipate the British shipper can get any better terms of interest?

Mr. LASKER. No, sir. If I thought he would be able to do it I would have proposed less than I have.

Mr. HARDY. Then, the interest charge here will be no greater than there?

Mr. LASKER. I want to make the interest less here than it is there.

Mr. HARDY. Let us suppose you have it equal.

Mr. LASKER. No; let us suppose we have it less. I won't stand for it being equal.

Mr. HARDY. Then if it is less there won't be any disadvantage to the American shipowner?

Mr. LASKER. Sure there won't.

Under the present law Mr. Lasker can lend money to the Shipping Trust at 2 per cent, or less than 2 per cent, if he desires, and yet he comes before the Congress, thinking that probably Members of the House and Senate would not look into the question, and says that one of the reasons why the American merchant marine should be subsidized is because of the difference between the interest British shipowners have to pay and what Americans have to pay.

INSURANCE.

On the question of insurance, Mr. Lasker testified:

(Page 36.)

Mr. HARDY. I have been with the Committee on the Merchant Marine and Fisheries in the House, doing all I can to try to get up a system of marine insurance that would give us equal rates with any other country. I think we ought to have them. I believe we can have them. So far as the Shipping Board is concerned, they own so many ships that probably they can carry their own insurance.

Mr. LASKER. I think they ought to. I think that is our first point of agreement, and I am exploring that now. My mind is running in your direction.

Mr. HARDY. There is no question about that.

Mr. LASKER. The only thing is the setting up of the machinery for making prompt settlement.

Now, since that time an insurance bill in accord with Mr. Lasker's views has been passed and no complaint is made that there is any difference in the matter of insurance, according to Mr. Lasker's own testimony.

LABOR.

Mr. Lasker very shortly disposed of his contention of the difference on labor. He says:

But I do know this, that to-day the labor cost between Britain and the United States is closer together than it ever was before in the history of shipping.

His testimony absolutely refutes the idea that there is any difference in favor of foreign shipowners, in so far as the cost of labor is concerned, and all the tables that are presented and the studies referred to, and the witnesses examined, show that there is essentially no difference in cost. The Americans pay their seamen slightly more, but they have fewer in number, and their efficiency is greater, so that labor costs are substantially the same, and Mr. Lasker destroys by his testimony the very contention he makes on the subject of labor. The labor situation is thus summed up by Mr. Lasker:

Mr. HARDY. If that is left out of this, then I do not want to go into that, except I have a statement here showing the difference in cost of crews amounts to nothing.

Mr. LASKER. I don't know at the present moment that it does amount to anything. (Hearings, p. 36.)

SUBSISTENCE.

The last element of difference claimed by Mr. Lasker was the difference in the cost of subsistence. In his own testimony on cross-examination he just as effectively disposes of this contention:

(Hearings, page 36.)

Mr. HARDY. You pay more for coal and oil in the United States?

Mr. SMULL. We pay the same for them here as there.

Mr. HARDY. Then there is no difference in the fuel cost on coal?

Mr. LASKER. It never has been claimed.

THE LA FOLLETTE SEAMAN'S ACT.

To the credit of Mr. Lasker, he did not claim that the so-called La Follette Seaman's Act, so commonly alleged to be a reason why American shipping could not succeed, was hurtful to the American merchant marine. This contention he very effectively disposed of on cross-examination:

(Hearings, page 43.)

Mr. BANKHEAD I understand from the President's address to Congress, and also from the statement that you have made, that you do not undertake to recommend or urge any material change in the seaman's act that now exists.

Mr. LASKER. You are right. I want to take occasion to say here that I think the seaman's act has been one of the most misrepresented acts of which I have ever heard. I came down to Washington believing, as most people in my part of the country do, if you repeal the seaman's act you would have a merchant marine. That is pure bunk.

CONCLUSIONS FROM MR. LASKER'S TESTIMONY.

So that, Mr. President, if we are to consider this bill from Mr. Lasker's testimony there is no reason for its passage. He himself disproves his own cause. The object of the bill, of couse, is to get a direct subsidy from the Government. He bases this demand for a direct subsidy upon five different contentions, and then proceeds by his testimony to disprove his claim in each case. Mr. Lasker makes out a stronger case than any other witness. The remainder of the Shipping Board's testimony is in line with his, and so, upon the facts in the record, the reasons for a direct subsidy are not only not made manifest but they are actually disproved by the principal proponent of the bill.

Yet with this testimony and the other testimony, with these studies which have been made in the Shipping Board, all upholding these contentions, the President and Mr. Lasker come before Congress and ask Congress to give this favored trust a cash subsidy of from $35,000,000 to $50,000,000 a year, with power in the Shipping Board to double it, and on the ground that there is a difference between the original cost of construction and the present cost, that there is a difference in the rates of interest, that there is a difference in the cost of labor, that there is a difference in the cost of construction, a difference in insurance, and in subsistence. Mr. Lasker disproves everything that was so claimed, and I challenge Senators favoring the bill to dispute the facts brought out on the cross-examination of Mr. Lasker.

SUBSIDY, NOT A MERCHANT MARINE.

The fact is, Mr. President, that our Republican friends are after a subsidy for special interests and not after building up a merchant marine. They have never cared to build up a merchant marine unless it could be used as a vehicle of transferring Government funds to special interests. They were in control of the Government for nearly 50 years following the Civil War. They never took any steps to build up a merchant marine except on one occasion when they undertook to pass a subsidy bill, and therefore it must be apparent to everyone that their main purpose has been throughout their history not to build up a merchant marine save as a method of transferring public funds to the shipping interests. Take Mr. Lasker's testimony. He is not concerned about a merchant marine. He decries the merchant marine. He runs it down as much as possible. He sneers at it. He throws cold water on the entire proposition, but he is strong for the subsidy to the special interests. The whole of his testimony is aimed at subsidy for the special interests. Apparently he has no thought of building up our shipping. He says nothing about getting business for the merchant marine. It is only to get a subsidy for the owners.

ATTITUDE OF SHIPPING BOARD AGAINST AMERICAN MERCHANT MARINE.

Mr. President, as I have stated before, the whole attitude of the Shipping Board is unfavorable to the building up of an American merchant marine. They do not try to get business. They do not try to hold on to business. Their actions sometimes indicate they are not loyal to the American merchant marine. I am going to read a correspondence that took place between Mr. J. B. Smull and myself in August, 1921, Mr. Smull being one of the $35,000 a year men employed by the Shipping Board. This correspondence shows that the Shipping Board's policy was even then a policy of tying up as many ships as possible. They did not want business. They not only did not try to get business, but they tried to keep from taking business. I do not charge that Mr. Smull or Mr. Robinson were in the employ of British shipping interests. I assume, of course, they were not, but if they had been in the employ of the British shipping interests they could not have any better served the British shipping interests than they did in their actions in this matter. Mr. Humphreys afterwards chartered an English vessel and carried his cakes to an English port in an English vessel, when, of course, if the American Shipping Board had wanted to take the business they had the first call on it. This is an isolated case, but it shows the policy of the Shipping Board; it shows the thought of the Shipping Board; it shows that as far back as 1921 the Shipping Board was trying to force itself out of the shipping business.

I come to that phase of the question, which I examined very closely a number of years ago. The present Shipping Board is composed of men against whom I have nothing to say personally. Two of them are as warm friends as I have in the world, one of them a lifelong friend, and another one served in this Chamber with me, and I am devoted to both. I have nothing but the highest respect and esteem for them. I have nothing personal against them. But the truth is that the Shipping Board does not want the American merchant marine to succeed as it is going on. They do not want it to prosper. They do not want it built up. They have other fish to fry. They are not attempting to get business. I say they have never attempted to get business. What they have been trying to do is to lay up ships in the harbors of the country and not to put them to work. I have the indisputable evidence of that, and I now submit it to the Senate and to the country. It came about in August, 1921, in a peculiar way, just after the present board went in. I read the first telegram that brought it about:

[Telegram.]

AUGUST 25, 1921.

Senator K. MCKELLAR,
Washington, D. C.:

Kindly make diligent inquiries of Shipping Board to ascertain how we may proceed to obtain by charter the services of an American steamer to handle full cargo about 3,000 tons cottonseed cakes late October, loading Houston, Tex., to two United Kingdom ports. We naturally desire secure rates somewhat lower than prevails for lesser quantities. Is there any just reason why we can not charter direct with Shipping Board?

HUGH HUMPHREYS.

Mr. Humphreys is a large cottonseed product dealer in Memphis, one of the best merchants we have there, one of the most influential men we have there, one of the best men I ever knew, able financially, and in every other sense a splendid man, good for any contract he might make. I immediately called the Shipping Board—this Shipping Board to some of whose members is being paid the enormous salary of $35,000 a year to look after American shipping interests—and here is what I was compelled to telegraph my constituent that afternoon:

[Telegram.]

AUGUST 25, 1921.

Mr. HUGH HUMPHREYS,
Memphis, Tenn.:

Telegram received. Called Shipping Board at once. Mr. Smull, in charge of allocation, out of city. Be here to-morrow. Mr. Robinson advises that you can get cakes hauled cheaper by British ships. Will see Mr. Smull when he returns and urge him to let you have ship and at less cost than the British ship.

KENNETH MCKELLAR.

Here is the letter I wrote Mr. Smull that very afternoon:

AUGUST 25, 1921.

Mr. J. B. SMULL,
Shipping Board, Washington, D. C.

MY DEAR MR. SMULL: Inclosed please find telegram from Mr. Hugh Humphreys, of Memphis, Tenn., one of the best and most reliable merchants and brokers there, which telegram explains itself.

I have talked to your Mr. Robinson about the matter, and he did not give me much encouragement, saying that the British could haul the freight cheaper than the American ship could be chartered for. If everybody is told this, we might as well sink our ships. It seems to me that every effort should be made to have Mr. Humphreys charter this ship and haul his cottonseed cakes in it. Mr. Robinson told me that you would be back to-morrow, and I will be greatly obliged if you will advise me over the telephone as soon as you come to a conclusion about it.

I am wiring Mr. Humphreys, and inclose you a copy of my telegram.

Very sincerely yours,

KENNETH MCKELLAR.

It will be seen that this letter and the two telegrams all occurred on the same afternoon. The next day Mr. Smull returned—Mr. Smull, the gentleman to whom we are paying the enormous salary of $35,000 a year to look after the American ships and to look after American business on those ships. Here is the letter which I received from Mr. Smull and which I now read:

AUGUST 26, 1922.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have just returned from New York in connection with the United States mail matters, and find your letter of yesterday awaiting my attention.

I regret I was not here to talk to you in person when you called on the phone yesterday. I have taken this matter up with Mr. Robinson, and while he may have explained himself very bluntly, facts are stranger than fiction, and the fact remains that all full-cargo tramp steamers under foreign flags can operate more cheaply than Shipping Board steamers.

I might add that the conference rate for cottonseed cakes from the Gulf to the United Kingdom ports has been fixed by the American and British interests at $10 per 2,240 pounds. The present market rate for a full-cargo tramp steamer in the same trade is approximately $6.50 to $7 per ton, and your constituent can probably obtain a foreign

steamer at this figure. The Shipping Board would lose money on any steamer they put into this trade at this rate.

Incidentally this explains to you why the Shipping Board is laying up its steamers as fast as they can be laid up, in order to stop losses, and this situation will only adjust itself with an improved condition in the general export situation.

Very truly yours,

J. B. SMULL, *Vice President.*

Thirty-five thousand dollars a year are we paying to this vice president of the Shipping Board to advise American citizens to ship their goods and wares upon British ships and not upon American ships! He is the man who, when business is presented to him and no question raised about price, gives that sort of advice. Mr. Humphreys wanted an American ship; he wanted to move his cargo. He did not demand that the Shipping Board lose money. He did not demand that the Shipping Board even operate the ship. He asked only that he be allowed to charter a ship to carry his goods from Texas to two United Kingdom ports, and this $35,000-a-year man, without whom the Governmen apparently can not get along, without whom the Shipping Board would go into even worse bankruptcy than it now is, this man, with nearly a thousand steamers laid up doing nothing, recommended to my constituent that he charter a British ship!

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. McKELLAR. I yield.

Mr. ROBINSON. The statement by the Senator from Tennessee and the letter he just concluded may throw some light on why the Shipping Board has not made money and why it has lost so much money.

Mr. McKELLAR. That is just the reason why I read it.

Mr. ROBINSON. Any business concern conducted upon the prihciple that the manager rejects business and notifies those offering business to transact it with rivals or competitors would more than likely find the business increasingly unprofitable.

Mr. McKELLAR. Yes; what the Senator from Arkansas has said is absolutely correct. What effect is this going to have? Mr. Humphreys is a leader in the business of cottonseed products in my State and in my city. Does anyone suppose any other cottonseed products man or any other merchant of Memphis at all attempted after that time to get an American ship when thus treated by Mr. Smull? And yet he is in charge of allocation; he allots the ships to Americans who want to buy ships, and he is paid $35,000 a year.

I do not charge Mr. Smull with being an agent of the British Admiralty. Oh, no! I am sure he is not. But let us assume for the moment that he was a different kind of man from what he is, and that he was an agent of the British Admiralty in disguise as an officer of the American Shipping Board; could he have done any more to build up the British shipping and could he have done any more to break down American shipping? I say, Mr. President, that Mr. Smull, if he entertains the views that he expressed in that letter, ought not to be an officer of the American Shipping Board. I am surprised that he remains an officer after writing such a letter.

Now, I want to read the completion of that matter. I have it here. I have another letter dated a few days afterwards, August 28, 1921, from Mr. Humphreys, and I want to read that. I want Senators to bear particularly in mind that he is talking about a man who is so important to the Government that we have to pay him more than twice as much as we pay the Chief Justice of the Supreme Court of the United States, that we pay him more than twice as much as Cabinet officers, and more than four times as much as Senators and Representatives. Here is Mr. Humphreys's criticism:

Memphis, Tenn., August 29, 1921.—Senator K. D. MCKELLAR, Washington, D. C.—

He calls me by an affectionate name; we are very intimate friends—

DEAR K. D.: Thank you for your usual promptness in handling the matter of the Shipping Board, and which is in line with the attention that you always give any request.

I agree with you that the letter you sent is a remarkable one and is a complete admission of the inability of the Shipping Board to handle the ships of the country. In my own opinion, the trouble is that they have never handled themselves in a businesslike way and have never entered the shipping business as other shipping companies conduct their affairs. I simply can not understand why the boats are not leased or chartered to various shipping interests of the world, but instead are endeavoring to handle them in a most unbusinesslike way.

The pre-war rate from Gulf ports to Europe was about 10 shillings. To-day the Shipping Board, with everything at about normal prices, confess they can not operate at more than four times that rate.

Don't wake up the Washington office of the Shipping Board—

It has been so long ago—a year and a half having passed—that I feel it is time they should be awakened when they are trying to tax the American people for the cash subsidy which they proposed—

Don't wake up the Washington office of the Shipping Board, but the conference rate, instead of being $10 per ton, as stated in their wire, is $8 per ton, and is being so quoted by all of their agents.

Mr. Smull missed it only 20 per cent! That is pretty good for a $35,000-a-year man. He is surely a great expert, without whom the Shipping Board could not run, according to the statement of Senators of a year ago when they were appropriating the $35,000 for his salary, that he could not have come any closer than 20 per cent, so I think we ought to congratulate him for not making a greater mistake. Mr. Smull telegraphed that the conference rate was $10 per ton, when his own agent telegraphed him that it was $8 a ton—

We do not wish this mentioned, because it might result in their tying up still more steamers and allowing the American produce to rot or be sold at perfectly ridiculous prices because of their inability to properly operate the steamers.

I wish you would send the original of the Shipping Board letter and my original telegram over to Senator MCKINLEY, who is president of the Mississippi Valley Association, as I would like for him to see the total impossibility of Americans trying to do business in their own ships. The idea of admitting to other countries that we can not compete, and tying up our ships, is simply beyond my process of reasoning.

With kind regards,

Yours very truly, HUGH HUMPHREYS.

We remember the condition then prevailing. American produce was rotting on our own shores because of lack of vessels to transport it, and the member of the Shipping Board to whom we are paying $35,000 a year was tying up our ships in various harbors. I presume the Shipping Board must take some pride in being able to tell the world that we have a harbor at Jamaica Bay, near New York, completely filled with steel vessels belonging to the Shipping Board; that we have vessels tied up in Delaware Bay; that we have them tied up in the James River; that we have them tied up all along the Atlantic seaboard. They wished to tie them up; they did not want the business.

In his testimony that was given to us Mr. Lasker talks about subsidy and about small salaries the greater part of the time, but rarely mentions the fact that the Shipping Board needs business in order to do well and to prosper.

I read another letter:

Memphis, Tenn., September 10, 1921—

That was about 15 days after the $35,000-a-year agent of the Government turned down Mr. Humphreys's request to charter a ship—

Senator K. D. MCKELLAR,
Washington, D. C.

DEAR K. D.: I inclose a copy of the telegram sent you as requested: "I do not believe that the Shipping Board is trying to further any other interest; they simply are admitting their own incompetency and the further fact that the whole arrangement they have of handling the steamers is wrong. I would suggest that a committee composed of some American exporters and American shipping agents be appointed by the President or some one else to study this Shipping Board problem, not with the view of its expense, etc., but with the view of making it serviceable and available to the public and be operated upon the same principles as other shipping interests are operated in other countries, and not with the view of certain governmental iron-clad regulations of trying to force business to meet those regulations rather than providing something that is efficient."

Yours very truly, HUGH HUMPHREYS.

With a record like this, with a record of inefficiency, with a record of failure to attempt to get business, with a record of refusing business when it is tendered to them on a silver platter, are these gentlemen in any position now to come forward and demand that the American people be taxed in the sum of perhaps $100,000,000 a year for the next 10 years? They wish to make the contract obligatory upon Congress to appropriate the money for the next 10 years, with probably a billion dollars to go to the Shipping Trust in that time, and to put it beyond the power of Congress to abrogate the contracts. Are they in any position to come to us and ask for such a favor for these special interests? I say they are not in that position; their record is not such that they can come to us as they do and make that request.

Mr. President, I have already discussed President Harding's statement. I do not condemn President Harding. It is perfectly natural that he should take the view of the chief of the Shipping Board. Surely he does and we know he does; but, Mr. President, the only thing that I would criticize in the President's message is that he ought to have examined into the matter; he ought to have looked into these figures; he ought to have investigated the reasons before he came here and recommended that the American people be taxed $100,000,000 a year for 10 years; and it may be twice that much in the next 10 years; for we all know that once the camel gets its nose into the tent it is very difficult ever to get him out and that he usually gets his whole body in. The President of the United States, it seems to me, owed it to the American people to examine into the facts and figures presented to him by the Shipping Board before he recommended this proposed legislation to Congress.

Mr. President, I referred a moment ago to the fact that this was not a time to sell ships in any event. Of course it is not a time to sell them. We could not sell any ships if we should pass this law. By the way, Mr. Lasker does not think that we could sell more than 100,000 tons out of 10,000,000 tons. How he fixes the amount at 100,000 tons nobody knows, and he does not himself say. However, why should we select this year of all years to sell ships when the whole world has ships tied up and doing nothing; when ships can be had virtually for nothing everywhere? Why should we require the Shipping Board to sell the ships at such a time as this? It is not good business; it is not prudent; and if we permit it we shall commit a grievous wrong upon the American people.

Now, I come to just one other statement. On page 7 of the hearings, here is what Mr. Lasker had to say:

Of the 6,000,000 tons of freighters the Government possesses, it is the hope of the Shipping Board that ultimately a great measure of the 3,000,000 good tons will find itself in the hands of American owners, should the legislation here proposed be adopted. It is doubtful if under the happiest conditions the American flag will need the 3,000,000 good tons in its entirety—

I interrupt my reading of Mr. Lasker's testimony long enough to say at this point, Mr. President, that that statement alone is proof positive that Mr. Lasker ought not to be at the head of the Shipping Board. The idea of any American citizen saying that America will never need as much as 3,000,000 tons of cargo shipping! Mr. Lasker establishes a limit, and then proceeds in this statement further to say that the other 3,000,000 tons of cargo shipping ought to be dismantled and put out of business, because it might come into competition with the ships that are embraced in the 3,000,000 tons of good shipping. Such a statement from the chairman of the Shipping Board is unpatriotic. We all know that in the years to come America will have as many tons of shipping as will any other nation in the world, because America has cargoes to carry in her ships. We do a greater business and the products of America which are carried in ships are greater than those of any other nation in the world, and the time is coming, notwithstanding what these advocates of a hothouse merchant marine may say, when we are going to build a merchant marine in this country which will carry our products of every kind, nature, and description to the markets of the world.

Mr. Lasker proceeds—

and ways and means must be found to dispose of such of the good tonnage as remains, so that American interests will not be hurt.

He wants to sell a portion of these ships and keep the remainder so that those who buy the good ships may not be hurt in the future. I do not charge Mr. Lasker with wrongdoing, but suppose a man wanted to do wrong; suppose he wanted to dispose of our merchant marine to certain favored individuals and fix matters so that they could always make large profits out of the ships thus disposed of, what better arrangement could be suggested than the arrangement which Mr. Lasker suggests, namely, that we shall sell such of the ships as are good; that we shall sell the best cargo tonnage to these favored interests and then destroy the remainder so that they will never have any competition in the future?

Mr. Lasker goes on to say—

Under no circumstances must the surplus good tonnage that America can not absorb be disposed of so as to bankrupt those who buy from the Government at current prices.

Automatically the 3,000,000 poor tons must be done away with. Part of it can be used by selling to Americans the hulls at low figures for conversion to types of freighters of which we are not possessed. The balance may either be sold in small quantities in local trades abroad, if any, where because of shorter runs and cheaper labor local operation may be possible, or it must largely be dismantled. For if we permit a potential surplus to remain, with the possibility of its use in only abnormally prosperous times when any tonnage can be profitably operated, the burden of loss will fall on the good tonnage in times of adversity without full enjoyment of profit in time of prosperity, and thus we depress the price of all of our tonnage, and so it will come to pass that we shall liquidate the whole for less than we could liquidate the good part.

ONE WAY TO BUILD UP A MERCHANT MARINE—BUSINESS.

Mr. President, there is but one way to build up an American merchant marine, and that is to get business for it, to get cargoes for it. Our merchant marine does not need a subsidy. It needs cargoes. Our ships are not lying idle because of the failure of Congress to grant subsidies to them. They are lying idle because they have not cargoes to carry. And the condition in America is not different from what it is elsewhere. Ships in every country are tied up. They are tied up for the want of business, not because they do not get subsidies or can not get subsidies. It is because they can not get business. If business is obtained for our ships they will not be laid up. They will not be idle. They will be busy. And so, Mr. President, it is a puerile thing to do for the Government to attempt to run our ships, unless they have got business, and to pay for the running of them out of the Public Treasury; and that is what this bill means, and it is easily demonstrated. Take the fleet of the Standard Oil Co. ships. They get no subsidy, and yet they are making enormous profits. Why? Because they have got the business. They have the cargoes, and so with the ships of the United Fruit Co. and the ships of the Steel Corporation. These concerns give them the business, and when they have business they are prosperous. They do not need subsidies. They do not need bounties. They do not need legislation. They are making money right along, even in these, the hardest times ships ever had.

So that I say, Mr. President, that our remedy is not in giving bounties, but our remedy is securing business for our ships. Mr. Lasker says build up our merchant marine by giving subsidies. I answer, build up our merchant marine by obtaining business for our ships. Get them cargoes and they will need no subsidies.

AN ALTERNATIVE PLAN.

It is next claimed by the proponents of this bill that those of us who oppose it have submitted no better plan. The distinguished chairman of the committee [Mr. JONES], for whom I have the greatest respect and the highest esteem, says:

If this plan is not the best plan, he will be for the best plan.

I am not an expert on our merchant marine. I am not an expert on shipping, but it does seem to me that this great Nation of ours has all those things at her command by which and through which a great and successful merchant marine can be built up and maintained, and I want to suggest what seems to me to be a sensible plan, a business plan, of getting business, of getting cargoes for our ships.

Mr. President, I present a skeleton program concerning this matter as follows:

First. I would abolish the Shipping Board and put the affairs of the Shipping Board in the hands of one man and make him responsible for its success. The longer I live and serve in the Congress the more convinced I am that the policy of establishing boards as executives is an unwise policy. It is a dividing of responsibility which makes for divided purpose, which makes for inefficiency, and I believe that executive action should be individual. I believe the best results would come from turning the affairs of this bureau of the Government into the hands of one man and making him responsible.

Second. I have long thought that the American merchant marine should be a part of the Department of Commerce. The agencies of the Department of Commerce—foreign and domestic agencies—should all be used for the purpose of building up our merchant marine and making it successful. Our commerce agents abroad should also be agents of the American merchant marine. I have not thought this out as carefully as it deserves to be considered, but our merchant marine is, or ought to be, simply a carrier for our foreign and domestic commerce, and the agents of our Commerce Department should work in entire harmony with and work for our merchant marine. This Shipping Board admits it has made a failure of operating our ships. Abolish the board and put our shipping in the hands of one man and hold him responsible and it will be more successful.

Third. Our mail should be carried entirely in American ships. In round numbers, last year we paid American vessels about $4,000,000 for carrying our mails and foreign vessels about $2,000,000. All of our mail should be carried in American vessels. This would add $2,000,000 a year of business to our Shipping Board. It would aid in furnishing cargoes for our merchant marine. It would aid in furnishing business for our merchant marine, and this we ought to do.

Fourth. We should pass laws providing that immigrants to this country should be brought in American vessels. Why do we permit this enormous business to go principally to foreign vessels? We restrict immigration. We lay down rules and regulations upon which immigrants shall come to this country. We have an essentially idle merchant marine. These immigrants are very very desirous to come over here. They would be delighted to come in our vessels. Then why should we not take charge of this very lucrative trade for our own ships? If we did not want to take all of it, surely we should take a very large portion of it. It is a business we can absolutely control. It is a business we should control. It would be a most effective aid in, not furnishing a gratuity to our shipping, but in furnishing business for our shipping by which it could grow in a healthy endeavor.

Fifth. Mr. Lasker informs us—and we assume he is correct—that our Government pays to the ships of other nations on trans-Pacific passengers and cargoes alone the enormous sum of $7,500,000 annually. (Hearings, p. 18.) It is fair to say

there seems to be some doubt about what Mr. Lasker means as to this matter.

Why, not a pound of this freight and not a passenger should be allowed to be transported on foreign vessels. It should all be done on American ships. It is unpatriotic in these officers of the Government to travel on foreign ships when they can get American ships that are just as good, and it is unfair in the agents of the Government to ship their cargoes for Government use on foreign vessels. The law should require that they ship these cargoes and passengers on American vessels. This item of business alone would probably amount to $15,000,000 a year, if Mr. Lasker's statement is correct. This will give our merchant marine business. It will not give it a gratuity.

Sixth. Section 34 of the shipping act reads as follows:

SEC. 34. That in the judgment of Congress, articles or provisions in treaties or conventions to which the United States is a party, which restrict the right of the United States to impose discriminating customs duties on imports entering the United States in foreign vessels and in vessels of the United States, and which also restrict the right of the United States to impose discriminatory tonnage dues on foreign vessels and on vessels of the United States entering the United States should be terminated, and the President is hereby authorized and directed within 90 days after this act becomes law to give notice to the several Governments, respectively, parties to such treaties or conventions, that so much thereof as imposes any such restriction on the United States will terminate on the expiration of such periods as may be required for the giving of such notice by the provisions of such treaties or conventions.

But President Wilson and afterwards President Harding both have seen fit to disregard this mandate of Congress on the ground, I am told, that it interferes with the power of the President and the Senate to make and execute treaties. On the other hand, there is nothing better settled than that Congress has the power to abrogate by law treaties already made. The treaties referred to in this section should be abrogated and Congress should if other nations discriminate against us impose discriminating duties on imports entering the United States in foreign vessels and in vessels of the United States. Such a law would create an enormous business for our merchant marine. It would alone be enough, in my judgment, to make our American shipping blossom like a rose if our commercial adversaries continue to discriminate against us.

Seventh. The high tariff wall that has been placed around our country by a recent act of Congress should be removed. We should trade with the rest of the world, and the only way we can trade with it is by buying their goods while we sell them our surplus products.

Eighth. We should repeal that provision of the merchant marine act of 1920 which provides for the remission of income taxes of those engaged in shipping. Such a law is un-American and indefensible.

Ninth. Abolish all tax exemptions.

Tenth. Prohibit anyone connected with the Shipping Board becoming interested in the purchase of any ships for a period of 10 years.

Mr. President, if these suggestions were put into law, in my judgment, they would do more to build up and successfully maintain our shipping than all the direct subsidies in the world.

Eleventh. Prohibit any further sale of steel vessels, passenger or cargo, until there is a better market. No vessels should be sold on the present low market. The shipping tied up idle all over the world makes it a futile thing to talk about, this being an opportune time now for selling ships.

NEED OF A REAL MAN.

Mr. President, there never was such an opportunity for a real shipping man as there is now for one at the head of our merchant marine. It we had our merchant marine in the hands of a man who wanted really to achieve something splendidly great for his country, the opportunity is here and now for such a man. But he must be a man with no other interest, no other views, no other purposes, no other desires, except to build up our merchant marine. He must go into it with his whole heart and soul and mind. Think of what an opportunity it would be! He would already have the richest Government in the world behind him. Congress would delight to uphold him in making our merchant marine a success. But he can not win if he is afraid. He can not win unless he is willing to fight. Of course, he has to fight Great Britain on every sea. He will be obliged to come into competition with British ships everywhere, with Japanese ships and French ships and Italian ships, and the ships of all the other nations of the world, but with this Government behind him there is no reason why he should not soon build up for the United States the greatest merchant marine that there is or ever has been on the seas. It will take a man of nerve; it will take a man of ability; it will take a man of the most scrupulous honesty; it will take a man who is capable of doing great things. If we can find such a man, the opportunity is here for him to make the greatest name for himself of any man in our country, because the building up and maintenance of a merchant marine is the one great American governmental project of the future. No man afraid, no mollycoddle, can do it. It will take a real man.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. MCKELLAR. I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to ask the Senator if he will yield to me for the purpose of permitting me to make a motion to take up another bill in lieu of the bill now pending? I do not desire to take the Senator off the floor, but he can proceed afterwards with his remarks, for my motion will be debatable.

Mr. MCKELLAR. I would rather yield now and proceed later. I yield to the Senator to make such a motion. I hope, then, that an adjournment may be taken until Monday, if it meets with the approval of the chairman of the committee.

Mr. NORRIS. I have no desire to take the Senator off the floor.

Mr. MCKELLAR. I understand that.

Mr. NORRIS. But the motion I intend to make will be debatable and the Senator can resume his remarks on that motion.

Mr. MCKELLAR. I would be very glad, indeed, to be relieved at this time, and I yield to the Senator from Nebraska.

PURCHASE AND SALE OF FARM PRODUCTS.

Mr. NORRIS. Mr. President, I move that the Senate proceed to the consideration of Senate bill 4050, to provide for the purchase and sale of farm products.

I should like to say, if the Senator will permit me, that I have no disposition to crowd that motion to a vote this evening, because I understand that many Senators have gone away. The motion, of course, is itself debatable, so that it need not interfere with the debate.

Mr. JONES of Washington. Mr. President, I do not understand that the Senator from Tennessee yielded the floor or intended to yield the floor; but I am not going to make any point against entertaining the motion of the Senator from Nebraska, because he could make it, of course, when the Senator did yield the floor, and he does not intend to press it to a vote this afternoon. So I will make no point under the rules as to the presentation of the motion while the Senator from Tennessee holds the floor.

Mr. ROBINSON. Would the Senator from Tennessee like to conclude his address this afternoon?

Mr. MCKELLAR. I should prefer to conclude on Monday, unless it is imposing a hardship on the Senator from Washington, which I do not want to impose. I think it will take me only a few minutes to conclude; and, as I said, I would rather conclude on Monday. I will say to the Senator that I am substantially through.

Mr. JONES of Washington. I had hoped that we could remain in session until 4 o'clock.

Mr. ROBINSON. I suggest to the Senator from Washington that he yield to the request of the Senator from Tennessee. There is not a quorum here, and in all probability it would be impossible to get a quorum.

Mr. JONES of Washington. We shall want a short executive session.

Mr. ROBINSON. Yes.

Mr. MCKELLAR. I thank the Senator very much.

Mr. JONES of Washington. If the Senator says he would like to conclude Monday, I am not disposed, under the arrangement that has been made, to press him to conclude to-day; so, with the motion of the Senator from Nebraska pending, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator will please suspend until the Chair states the motion. The Senator from Nebraska moves that the Senate proceed to the consideration of Senate bill 4050, to provide for the purchase and sale of farm products.

Mr. JONES of Washington. Mr. President, I simply desire to renew the statement I made yesterday, that next week I want to press the shipping bill much more than I have during the present week, and I hope that we may run probably from 11 o'clock until half past 5 or 6 o'clock each day during the week.

Mr. HARRISON. Mr. President, a parliamentary inquiry, if the Senator will withhold his motion for a moment. A motion having been made to take up the so-called Norris bill, when we adjourn this afternoon, will that be the pending matter after 2 o'clock on Monday?

The PRESIDING OFFICER. The Senate has heretofore agreed to recess from to-day until Monday; and the pending question on the reconvening of the Senate on Monday will be the motion made by the Senator from Nebraska.

Mr. McKELLAR. Regardless of the morning hour.

The PRESIDING OFFICER. There will be no morning hour.

Mr. McKELLAR. If we recess there will be no morning hour, of course.

LLOYD-GEORGE'S WAR MEMOIRS.

Mr. ROBINSON. Mr. President, as reflecting an interesting side light on the apparent effort of great European statesmen to influence public opinion in the United States on international political questions, I ask that there be printed in the RECORD an article published in the New York Times of this date relating to the cancellation of a contract by the New York Times and the Chicago Tribune for the publication of the memoirs of Mr. Lloyd-George because of his subsequent arrangement with other publishers to give publicity to political articles by the former British Premier.

I ask unanimous consent that the article may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows.

[From the New York Times of Saturday, December 16, 1922.]

NEW YORK TIMES-CHICAGO TRIBUNE CONTRACT FOR LLOYD-GEORGE'S WAR MEMOIRS CANCELED.

The New York Times and the Chicago Tribune announced on September 15 last that they had jointly purchased for the United States and certain other countries in the Western Hemisphere the serial rights to the war memoirs of Mr. David Lloyd-George, then Prime Minister of England. The price to be paid was £40,000, of which £4,000 was paid in advance. For reasons that will be set forth below, the contract for this purchase has now been canceled, at the instance of the New York Times and the Chicago Tribune, and after legal proceedings had been begun by them against Mr. Lloyd-George.

The contract was signed after representations had been made by the agent that the work had been begun and was then in progress, and that, although Mr. Lloyd-George might soon retire from office and thus gain more time to devote to the work, yet, even if he remained in office, half of it, he hoped, would be delivered to the purchasers by January 1, 1923, and the remainder as rapidly as possible. However, to meet the contingency of Mr. Lloyd-George's long continuance in office and arduous occupation with government labors, a period of two years was allowed for the completion of the work.

With great surprise, therefore, the New York Times and the Chicago Tribune learned on November 23 that Mr. Lloyd-George, who had just retired from the office of Prime Minister, was about to enter into a contract with an American "syndicate" to write weekly and fortnightly articles on current topics for a period that, under a proposed option, might be extended to 108 weeks, overlap the two-year period within which the memoirs were to be completed, and, in the opinion of the purchasers, endangering their delivery and impairing their value.

The two newspapers at once made energetic protest, but on the following day, November 24, Mr. Lloyd-George entered into the new contract, whereupon they urged that the proper course was the cancellation of their contract for the purchase of the memoirs. Mr. Lloyd-George replied that he had not violated his contract with the New York Times and the Chicago Tribune either in letter or in spirit, and that the memoirs would not be delayed. A subsequent communication addressed to the managing editor of the New York Times follows:

18 ABINGDON STREET, WESTMINSTER, S. W. 1,
December 1, 1922.

DEAR SIR: It is with great surprise that I learn that you take exception to the contract I have signed with the United Press for a series of articles on current politics, on the ground that the value of my book on the war will be interfered with by the appearance of these articles before the book is published. I can not take your view that a series of short articles not encroaching in the least upon the material of the book can possibly influence the arrangements you have made for publication of the serial rights.

Moreover, I can assure you that the date of publication of my war memoirs will not be delayed by reason of my contract with the United Press. I am already engaged, and am employing the assistance of others, in accumulating material for these volumes. As the only minister who held high office right through the war I imagine my book will be a contribution which no other person is in a position to make to the story of that tremendous event. Such a work is bound to take time, for all the facts must be carefully considered and verified, and the utmost care will be required in their compilation. It is not desirable, therefore, that the preparation should be hurried, and I intend to take ample time over it, at the same time avoiding any unnecessary delay.

On the other hand, I never supposed for one moment that the contract which I signed with you would preclude me from the publication of political articles. Had there been such a clause in the contract I would never have signed it. Apart from my memoirs, I always intended to write as soon as I left office. I have my living to earn. After 17 years in office I have retired a poor man, and it is absolutely imperative that I should turn to writing as a means of livelihood. The proceeds of the book for which you hold the serial rights are, as you know, to be given to charity.

The terms of my contract are explicit, and I have not deviated from them. But I hate the idea of standing on the legal interpretation. I therefore set forth the above reasons for your judgment lest you should imagine that I am standing merely on the letter of my bond whilst making illegitimate profit for myself by infringing its spirit.

Yours truly,

D. LLOYD-GEORGE.

It was on August 3 that the New York Times and the Chicago Tribune first committed themselves to the purchase of the memoirs, and it was three weeks later when Mr. Lloyd-George, whose prospective profits had in the meantime been criticized in the English press, announced that he would give those profits to charity. The New York Times and the Chicago Tribune were therefore not aware at the time of this commitment of the later announced purpose of Mr. Lloyd-George.

A considerable correspondence by cable ensued upon Mr. Lloyd-George's contracting, on November 24, for the series of articles to be published before the memoirs, but without immediate result. Meanwhile his new articles were being offered to newspapers in America in such phrases as "they will be released long before the memoirs"; "our contract covers everything George will write during the coming year and carries with it option on another year's series," and "new series much more valuable than the memoirs"; "articles being current interest and injuring the value of the memoirs." The originals of some of these messages, as delivered to the persons addressed, are in the possession of the New York Times. Mr. Lloyd-George has expressed strong disapproval of the phrases used in them in offering his new articles to American newspapers, and states that they were issued without his knowledge or authority.

The long cable correspondence failing to produce the desired result, the New York Times and the Chicago Tribune, through their London counsel, the Hon. Sir Charles Russell, began on Wednesday last an action in the High Court of Justice in London against Mr. Lloyd-George, asking for an injunction restraining advertisements disparaging or prejudging or affecting the value of the memoirs, restraining the publication of Mr. Lloyd-George's articles written under the agreement made on November 24 with an American "syndicate," and alternatively asking for the rescission of the contract made by Mr. Lloyd-George with the New York Times and the Chicago Tribune. Leave was granted for a motion to be heard on Friday. On Thursday Messrs. Lewis & Lewis, solicitors for Mr. Lloyd-George, arranged with Sir Charles Russell for the cancellation of the contract of the New York Times and the Chicago Tribune with Mr. Lloyd-George and the return to the two newspapers of the advance payment less a part of the commission that had been paid by Mr. Lloyd-George to his agent.

The settlement was concluded by the two subjoined letters, the first from a member of the firm of Lewis & Lewis, representing Mr. Lloyd-George, to Sir Charles Russell, representing the New York Times and the Chicago Tribune, the second Sir Charles Russell's reply thereto:

ELY PLACE, HOLBORN, *December 14, 1922.*

DEAR SIR: I have seen Mr. Lloyd-George with reference to my interview with you about his contract with regard to the serial rights of his book on the war with your clients. He wishes to state most emphatically that every shilling he has received has been paid to a separate banking account, and he has not used it in any way for his personal expenditure. He also wishes to add that at the time the contract was signed he had written several chapters, and this I can personally vouch for, as I read them.

The advertisement which you tell me was issued in America was issued without his knowledge or authority, and he disapproves of and expressly repudiates it. He has no wish to continue to remain a party to this contract if your clients wish it dissolved, and he has instructed me to so inform you, but he thinks it due to his honor that any misunderstanding as to the use of the money paid as a deposit should be at once removed.

Please let me hear from you.

Yours sincerely,

REG. WARD POLE.

The Hon. SIR CHARLES RUSSELL, *Bart., K. C. V. O.*

LONDON, *December 14, 1922.*

DEAR SIR: I of course accept on behalf of my clients the assurance which you have given me that the amounts paid on account of the price of your client's book have been placed by him to a separate account and have not been touched by him or used for his personal expenditure, and that he always intended to give the whole of the proceeds received by him to charity. I should like to take this opportunity of assuring you that neither I nor they intended to convey any suggestion to the contrary.

I appreciate your offer to cancel the contract, and I am instructed to accept it in the spirit in which it is made. May I conclude by saying that I think your client has met a difficult position in a fair and honorable manner, a view with which I am confident my clients agree.

Yours sincerely,

CHARLES RUSSELL.

The New York Times and the Chicago Tribune desire to say that at no time have they suggested that any improper disposition has been made of any part of the money by Mr. Lloyd-George.

How the New York Times first learned of Mr. Lloyd-George's new plans, and how, through the kindly intervention of a friend in London, opportunity was made, but necessarily rejected, to take the new series of articles away from the "syndicate" that had projected it, is shown in the dispatches assembled in the following cable message sent by the managing editor of the New York Times to its correspondent in London:

NEW YORK, *November 23, 1922.*

NYKTIM, *London.*

Received to-night following from a London newspaper:

"LONDON, November 23.—Learned to-day Keen, United Press, been negotiating for series 30 articles by Lloyd-George, each article about 2,000 words. Keen guaranteed £7,500, syndicating proceeds beyond that amount to be divided between contributer and United Press. Immediately saw George, begged him not to close with offer until I informed you. He agreed not to close until Saturday, on which day Keen returns to America. Articles will be for publication weekly the first 12 weeks, subsequently at fortnightly intervals. They would be of undoubted world-wide import and interest, the subjects including American relations, reparations, the Irish treaty, the Turkish treaty, the Socialist menace, international trade, our new Parliament. George is strongly impressed by Keen's stating the articles would be published in 150 papers. George values such wide publicity. Reply whether you want his articles. Think could get them for you for definite sum of

£8,500, this to include South American newspaper rights. Only knew at last moment of these negotiations, and only my strongest personal entreaties got the matter held up. If you are interested better allow me to go up to £9,000 if necessary to clinch the matter, relying upon me getting you best bargain possible."

To this I sent the following reply:

"NEW YORK, November 23.—We will have absolutely nothing to do with Mr. Lloyd-George's proposal to sell 30 syndicated articles. On his agent's representation that if he retired from office he would at once set to work to finish his war memoirs, a start on which had already been made the New York Times and the Chicago Tribune purchased the American rights to these memoirs for £40,000. We would, therefore, regard an intervening series of articles as the grossest breach of faith toward us. The memoirs are not yet fully marketed in this country, and not only would the announcement of this new series close our market entirely but we should feel obliged to release those who have already contracted with us, if they so desired. We feel that if we took this new series and offered it to the newspapers that have bought the memoirs we might be justly regarded as having in effect defrauded them, and how much more would we be so regarded if we offered the new series to a new clientele? While we have not yet had time to consult the Chicago Tribune, we can say that we shall not quietly submit to any deprivation of our rights."

While it is difficult to believe such a course is contemplated by Mr. Lloyd-George, the representations made are such that we feel we must act immediately. Will you therefore at once deliver copies of this message to Mr. Lloyd-George, Mr. Curtis Brown (Lloyd-George's agent in the sale of the memoirs), and Sir William Berry (owner of the London Sunday Times and head of Cassell & Co., book publishers, purchasers of the English rights), and make energetic protest against execution of any such plan, which would destroy serial value of memoirs and greatly impair book value. The new series outlined would inevitably draw upon material properly belonging in memoirs; and, in any case, Brown's assurances justify us in expecting prompt work on memoirs. Since reply was sent to London newspaper have received strong protest from Chicago Tribune, which will doubtless instruct its London correspondent to join in your efforts. We desire immediate assurance that other literary work will not be permitted to delay the memoirs. Answer earliest moment Friday.

VAN ANDA.

EXECUTIVE SESSION.

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 40 minutes p. m.) the Senate, under the order previously made, took a recess until Monday, December 18, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate December 16, 1922.

COAST AND GEODETIC SURVEY.

Edward Perry Morton, of New Jersey, to be aid, with relative rank of ensign in the Navy, in the Coast and Geodetic Survey, vice R. W. Woodworth, promoted.

POSTMASTERS.

CALIFORNIA.

Harry W. Haskell to be postmaster at Indio, Calif., in place of Fred Swartz, resigned.

GEORGIA.

Clifton O. Lloyd to be postmaster at Lindale, Ga., in place of C. O. Lloyd. Incumbent's commission expired September 28, 1922.

Andrew H. Staples to be postmaster at Metter, Ga., in place of J. R. Dixon. Incumbent's commission expired September 28, 1922.

ILLINOIS.

Hanson A. Garner to be postmaster at Chandlerville, Ill., in place of C. W. Jones, deceased.

John F. Flickinger to be postmaster at Lanark, Ill., in place of W. B. Hogan. Incumbent's commission expired October 24, 1922.

Ora C. Hays to be postmaster at Villa Grove, Ill., in place of G. E. Combs, resigned.

INDIANA.

Fred Austin to be postmaster at Birdseye, Ind., in place of W. T. Rowland, resigned.

Oliver A. Potter to be postmaster at Geneva, Ind., in place of W. W. Briggs. Incumbent's commission expired September 5, 1922.

Louis T. Heerman to be postmaster at Syracuse, Ind., in place of B. F. Hoopingarner. Incumbent's commission expired September 5, 1922.

IOWA.

William W. Andrew to be postmaster at Dexter, Iowa, in place of G. A. Crane. Incumbent's commission expired September 5, 1922.

Lorenzo D. Haworth to be postmaster at Dunlap, Iowa, in place of L. S. Edwards. Incumbent's commission expired September 5, 1922.

KANSAS.

Effie M. Brown to be postmaster at Centralia, Kans., in place of M. P. Weyer. Incumbent's commission expired September 13, 1922.

Newell R. Kirkham to be postmaster at Lebo, Kans., in place of H. N. Jones. Incumbent's commission expired September 13, 1922.

Elam Shaffstall to be postmaster at Luray, Kans., in place of C. L. Gray, removed.

Caroline Boman to be postmaster at Virgil, Kans., in place of C. W. Sharp, declined.

LOUISIANA.

Ethel I. Montgomery to be postmaster at Delhi, La., in place of A. I. Redmond, removed.

MARYLAND.

Thomas B. Griffith to be postmaster at Cockeysville, Md., in place of A. D. S. Harrower. Incumbent's commission expired November 21, 1922.

MASSACHUSETTS.

Henry L. Pierce to be postmaster at Barre, Mass., in place of H. L. Pierce. Incumbent's commission expired October 1, 1922.

Lucius E. Estey to be postmaster at Brookfield, Mass., in place of E. F. Delaney. Incumbent's commission expired October 1, 1922.

Charles J. Dacey to be postmaster at Conway, Mass., in place of C. J. Dacey. Incumbent's commission expired November 21, 1922.

Horace W. Collamore to be postmaster at East Bridgewater, Mass., in place of T. E. Luddy. Incumbent's commission expired October 1, 1922.

Henry L. Ripley to be postmaster at Edgartown, Mass., in place of H. L. Ripley. Incumbent's commission expired October 1, 1922.

Thomas J. Murray to be postmaster at Prides Crossing, Mass., in place of E. S. Pride, deceased.

William C. Temple to be postmaster at Rutland, Mass., in place of D. A. Smith. Incumbent's commission expired October 1, 1922.

Douglas H. Knowlton to be postmaster at South Hamilton, Mass., in place of D. H. Knowlton. Incumbent's commission expired October 1, 1922.

Walter C. Ring to be postmaster at Woronoco, Mass., in place of R. M. Mudgett, resigned.

MICHIGAN.

Andrew Bram to be postmaster at Hancock, Mich., in place of D. A. Holland. Incumbent's commission expired January 24, 1922.

Etta R. DeMotte to be postmaster at Memphis, Mich., in place of E. R. DeMotte. Incumbent's commission expired September 13, 1922.

MINNESOTA.

John R. Forsythe to be postmaster at Cohasset, Minn., in place of Albert Newstrom, resigned.

Edith B. Triplett to be postmaster at Floodwood, Minn., in place of J. W. New. Incumbent's commission expired September 13, 1922.

MONTANA.

Laura P. Johnson to be postmaster at Darby, Mont., in place of F. B. Tanner, resigned.

NEBRASKA.

Paul R. Lorance to be postmaster at Auburn, Nebr., in place of R. E. Harmon. Incumbent's commission expired February 4, 1922.

Joseph N. Fuller to be postmaster at Butte, Nebr., in place of C. H. Oldham. Incumbent's commission expired May 25, 1922.

NEW HAMPSHIRE.

Fred H. Ackerman to be postmaster at Bristol, N. H., in place of G. B. Cavis. Incumbent's commission expired September 19, 1922.

Edgar A. Noyes to be postmaster at Claremont, N. H., in place of W. P. Nolin. Incumbent's commission expired September 19, 1922.

William E. Jones to be postmaster at Winchester, N. H., in place of H. A. Taylor. Incumbent's commission expired September 19, 1922.

NEW YORK.

Henry C. Almy to be postmaster at Friendship, N. Y., in place of C. M. Estell, resigned.

George W. Van Hyning to be postmaster at Hoosick Falls, N. Y., in place of W. J. Hyland. Incumbent's commission expired September 19, 1922.

NORTH CAROLINA.

Ulysses C. Richardson to be postmaster at Asheboro (late Ashboro), N. C., in place of R. R. Ross, resigned.

OHIO.

Henry R. Kemmerer to be postmaster at Carrollton, Ohio, in place of J. V. Lawler. Incumbent's commission expired September 19, 1922.

Allen E. Young to be postmaster at Medina, Ohio, in place of M. K. Long, removed.

OKLAHOMA.

Ward Guffy to be postmaster at Cleveland, Okla., in place of R. L. Lunsford, jr., resigned.

Clarence S. Brigham to be postmaster at Cushing, Okla., in place of S. R. Staton. Incumbent's commission expired September 13, 1922.

PENNSYLVANIA.

Harvey A. McKillip to be postmaster at Bloomsburg, Pa., in place of J. H. Maust, resigned.

Charles O. Wescoe to be postmaster at Fullerton, Pa., in place of L. A. Snyder. Incumbent's commission expired September 13, 1922.

Clarence F. Ellis to be postmaster at Jamestown, Pa., in place of T. S. Moreland. Incumbent's commission expired September 28, 1922.

William N. Jones to be postmaster at Johnsonburg, Pa., in place of F. O. Schreiner. Incumbent's commission expired September 13, 1922.

William J. Winner to be postmaster at Sandy Lake, Pa., in place of R. W. Simcox, resigned.

Franklin Clary to be postmaster at Sharpsville, Pa., in place of Karl Smith. Incumbent's commission expired September 26, 1922.

John M. Graham to be postmaster at Volant, Pa., in place of J. M. Graham. Incumbent's commission expired September 13, 1922.

Sara B. Coulter to be postmaster at Wampum, Pa., in place of J. A. Ketterer. Incumbent's commission expired September 13, 1922.

William A. McMahan to be postmaster at West Pittsburg, Pa., in place of W. A. McMahan. Incumbent's commission expired September 26, 1922.

SOUTH DAKOTA.

Benny P. Humphreys to be postmaster at Reliance, S. Dak., in place of M. M. Cullen. Incumbent's commission expired September 11, 1922.

TENNESSEE.

Charles H. Bewley to be postmaster at Greeneville, Tenn., in place of H. H. Gouchenour, removed.

VERMONT.

John T. Dimond to be postmaster at Manchester Center, Vt., in place of C. A. Mattison. Incumbent's commission expired September 19, 1922.

WEST VIRGINIA.

Nora V. Roberts to be postmaster at Glenville, W. Va., in place of W. W. Johnson. Incumbent's commission expired November 21, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate.

POSTMASTERS.

KENTUCKY.

Mabel K. Kipping, Carrollton.

MINNESOTA.

Edward R. Bell, Akely.
John O. Gullander, Belgrade.
Charles W. Patsold, Cambridge.
J. Arthur Johnson, Center City.
Joseph H. Seal, Melrose.
Will G. Mack, Plainview.
Herman E. Kent, Sanborn.
Mae A. Lovestrom, Stephen.
Jonas W. Howe, Stewartville.

UTAH.

John E. Chadwick, American Fork.
Herschel E. Calderwood, Coalville.
Jesse M. French, Greenriver.
Porter A. Clark, Parowan.
Sidney W. Elswood, Tremonton.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 16, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Lord and our God, we believe that Thou art the Judge of all the earth and can not but do right. May our offering unto Thee be an earnest and a contrite heart. We thank Thee for the hope, the joy, and the love that make life rich. To-day be the inspiration of duty and the restraining power when the way is not clear. Emancipate the hearts of all men from prejudice and intolerance and lead them into the breadth and blessing of true Christian freedom. May the customs, the laws, and the institutions of our land express charity for all. Give us the courage of a great faith that declares in the midst of sufferings and defeat the earth will yet come to its glory. Gladden all our homes this evening and to-morrow and may they symbolize the peace and rest of the Father's house on high. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 13316) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1924, and for other purposes; in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13180) making appropriations for the Treasury Department for the fiscal year ending June 30, 1924, and for other purposes, and had insisted upon its amendments disagreed to by the House of Representatives, had agreed to the conference asked by the House, and had appointed Mr. WARREN, Mr. SMOOT, and Mr. OVERMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution (S. J. Res. 248) to provide for the payment of salaries of Senators appointed to fill vacancies, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 13232) making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1924, and for other purposes, had agreed to the conference asked for by the House, and had appointed Mr. CURTIS, Mr. WARREN, Mr. LODGE, Mr. OVERMAN, and Mr. HITCHCOCK as the conferees on the part of the Senate.

COMMERCE AND LABOR APPROPRIATION BILL.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the appropriation bill for the Departments of Commerce and Labor, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill mentioned, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13316) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, may I ask the gentleman a question? If I understand the action of the Senate in adopting the conference report——

Mr. MADDEN. On the Treasury bill?

Mr. BLANTON. Yes, the Treasury bill; on the action of the gentleman from Illinois, for the first time in about 30 years it permits the Government of the United States to use improved machinery in one of its departments?

Mr. MADDEN. In the Bureau of Printing and Engraving; yes, sir; and makes it mandatory.

Mr. BLANTON. Then it is quite important in that for the first time in 30 years the Government of the United States is not hamstrung.

Mr. MADDEN. Thirty-six years.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. SHREVE, Mr. MADDEN, and Mr. OLIVER.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on strictly Indian affairs.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. SNYDER. Mr. Speaker, I have to-day introduced a bill entitled "A bill to ascertain and settle the title to lands and waters in New Mexico belonging to the Pueblo Indians, to preserve their ancient customs, rites, and tribal ceremonies, providing an exclusive forum wherein all controversies as to the rights of the Pueblo Indians may be adjudicated." This bill expresses my thought as to the legislation that should be enacted in order to solve the problems which confront us in the matter of the Pueblo Indian land holdings in the State of New Mexico.

As I stated on the floor on Thursday, I visited some two years ago, as chairman of the Committee on Indian Affairs, with a select committee, the city of Santa Fe, N. Mex., and made an investigation and obtained much information relative to Pueblo affairs. This information can be found in volume 3 of the hearings held at Santa Fe, N. Mex., on the evening of May 16, 1920, beginning on page 646, hearings, Sixty-sixth Congress, second session. There having been, as I stated, much misinformation disseminated since the introduction of Senate bill No. 3855, and that there might be information and a better understanding of the question, I incorporated in my remarks a letter written by an attorney of Santa Fe, N. Mex., which appears in the RECORD of the date named.

The bill which I have this day introduced, as I have stated, represents the substance of what seems to me would in a proper way provide for a satisfactory settlement of the questions at issue. I do not mean to say that it can not be improved, and have no doubt that after full hearings it may be amended in some particulars, and I therefore want it understood that I am not assuming that it is perfect.

I have been making some inquiry for the purpose of informing myself more fully on the legal questions that are involved, and, not being a lawyer, I have consulted Mr. R. E. Twitchell, of Santa Fe, N. Mex., special assistant attorney general in charge of litigation pertaining to this subject. Mr. Twitchell was appointed to do this work because of the fact that he is a thorough Spanish scholar, has given many years to the examination of the Spanish archives of New Mexico, has made translations of the original documents, has written a history of New Mexico, and has published other volumes subjecting, indexing, and analyzing these old Spanish and New Mexican archives. He has resided in New Mexico for approximately 40 years, has been actively engaged in the practice of the law, and is one of the prominent lawyers of the State, and it would certainly seem that he is eminently qualified to handle this particular subject. I learned from Mr. Twitchell that he has prepared a memorandum brief for the Commissioner of Indian Affairs which contains a brief résumé of the points involved and the reasons for the necessity for legislation, and for the information of the House I am submitting same to be incorporated as a part of my remarks:

POINTS IN RE MATTER OF PUEBLO LAND TITLES.

For the COMMISSIONER OF INDIAN AFFAIRS:

1. The vast majority of the claims have their origin prior to the date of the treaty of Guadalupe Hidalgo, 1848, during Spanish and Mexican sovereignty.

2. There are upward of 3,000 of these claims in areas from town lots to farms and ranches varying in size.

3. The total value of all claims as estimated by attorneys for claimants is from $10,000,000 to $12,000,000.

4. The claims are found in nearly all of the so-called pueblo grants.

5. In a vast majority of the claims the owners declare their title was obtained by purchase or contract with the governing authorities of the pueblo where the lands are situate. In many instances claimants have title from individual Indians and not from the authorities of the pueblo. In some cases these individual deeds were approved by the pueblo authorities, as is claimed by those now occupying the areas so conveyed.

6. Under Spanish law, subsequent to 1571, Pueblo Indians were authorized to alienate their lands under certain restrictions, all of which are set forth in several royal decrees, which are set out in full in my report to the Secretary of the Interior. The Pueblo Indians, under royal decree, were subjects of the Spanish monarchy.

7. Under the plan of Iguala and Mexican law the Pueblo Indians became citizens of the Republic of Mexico.

8. Claimants contend that under Mexican law, being citizens, the Pueblo Indians had the right of property alienation, not only as an entity or community but as individuals.

9. Attorney for the Government does not admit this contention but insists that, even though citizens, still the restrictions of the Spanish law were carried into Mexican law, and were not removed by Mexico until 10 years after the United States succeeded Mexico in territorial sovereignty, and have never been removed by the United States Government.

10. The several pueblo villages in New Mexico were made corporations with the right to sue and be sued by territorial statute which was approved by the Congress of the United States.

11. Since the enactment of the law making them corporations the courts of New Mexico and of the United States have passed upon their political status, although the Supreme Court of the United States has never passed directly as to the claim of citizenship set up for these Indians. (See my report to the Secretary of the Interior.)

12. The question to me is not one of citizenship. It is as to the character and quality of such citizenship.

13. Replying upon local court decisions (U. S. *v.* Lucero, U. S. *v.* Joseph, 94 U. S. 614) representatives and leading members of the bar have invariably sustained the claim of right to alienate real property by the pueblo governing authorities.

14. This opinion of the courts and the bar continued until the decision in United States *v.* Felipe Sandoval (231 U. S. 28), when, in effect, at least, the Joseph case was reversed and a doctrine of tutelage established.

The controversies now existing had their inception in a vast majority of these claims when the decision in United States *v.* Sandoval was announced.

15. When New Mexico was admitted to the Union and its constitution framed and adopted, a compact was entered into between the people of the State and the United States whereby all control of these Indians was surrendered to the United States and all lands owned and occupied by the Indians was declared to be "Indian country."

16. The Indians and the people of New Mexico therefore are entitled to know what lands are owned and occupied by the Indians, and it is for this reason that decrees of segregation are imperatively necessary.

17. There existed in New Mexico, prior to 1852, no system or provision for the recording of deeds or instruments transferring the title to real property.

18. In Spanish and Mexican times in a majority of cases such as are here under consideration transfers of real property were made solely by delivery of possession, no deeds or other written instruments conveying title being in use.

19. Indians when baptized were given Spanish names and without the baptismal entry in the church records, which in most cases disclosed the racial origin, there is no way, after the great lapse of time and the passing of several generations owning by descent, to prove the racial origin, whether Spanish or Indian, or mixed.

20. There is no competent method whereby, owing to lapse of time, a present owner may identify his source of title as being from the pueblo authorities, nor may he prove any chain of title, owing to the fact that mere change of possession in Spanish and Mexican times served to change ownership.

21. Indians and non-Indians upon pueblo lands have irrigated their lands, at many pueblos, by means of community ditches, in which both classes had ownership and upon which both classes worked jointly in their maintenance. These ditches, in many cases in the Rio Grande drainage area, were built in the first decades of the seventeenth century, and with the exception of the intermission, A. D. 1680 to 1693, during which period the Spaniards were driven out of New Mexico by the Indians, have been used and maintained by both classes.

22. There are a very large number of community ditches in the Rio Grande and tributaries drainage areas in which the Indians have no interest whatever and which do not serve any Indian lands.

23. The priorities in appropriation and beneficial users of all waters in these drainage areas have never been adjudicated.

24. The United States Reclamation Service, for the supplying of the Elephant Butte Reservoir, which lies far to the south of the southernmost pueblo villages, appropriated all the flood waters and natural flow of the Rio Grande and its tributaries, recognizing and excepting all waters which had been appropriated and used at the time of the filing by the Reclamation Service.

25. The rights of Indians and non-Indians in and to these waters is a matter of law and any adjudication of rights must necessarily be had pursuant to the laws of the State of New Mexico, having regard to any rights which may legally obtain to citizens in the State of Colorado.

26. On this account (secs. 22, 23, 24) the proper forum for the determination of all water rights, Indian or otherwise, should be the district court of the United States, and all controversies in relation to irrigation of Indian lands, whether between Indians or between Indians and non-Indians, should be finally determined in the courts of the United States and not in the local courts of New Mexico.

With all these facts before us and many others which might be enumerated, the necessity for legislation of some sort should be enacted at the earliest possible date for the following reasons:

"1. Congress had the power in admitting New Mexico into the Union of States to impose conditions relative to the Pueblo Indians within its borders."

Conditions imposed by Congress upon new States through their enabling acts are valid when they result from the exercise of powers conferred upon the Federal Government. The Federal power over Indians is of this character. (Coyle *v.* Oklahoma, 221 U. S. 559; ex parte Webb, 225 U. S. 663; United States *v.* Sandoval, 231 U. S. 29 and cases cited.)

"2. The Pueblo Indians of New Mexico are Indians, and, therefore, subject to the constitutional power of Congress over Indians." (United States *v.* Dick, 208 U. S. 340; United States *v.* Rickert, 188 U. S. 432; United States *v.* Sandoval, supra.)

"3. Congressional jurisdiction arises also because of the necessity for Government protection of an inferior race of people."

In United States *v.* Beebe, 127 U. S. 358, the Supreme Court of the United States says:

"Not only does the Constitution expressly authorize Congress to regulate commerce with the Indian tribes, but long-continued legislative and executive usage and the unbroken current of judicial decisions have attributed to the United States as a superior and civilized Nation the power and the duty of exercising a fostering care and protection over all dependent Indian communities within its borders, whether within its original territory or territory subsequently acquired, and whether within or without the limits of a State. The power must exist in the Federal Government, because it never has existed anywhere else; because the theater of its exercise is within the geographical limits of the United States; because it has never been denied; and because it alone can enforce its laws on all the tribes. Accordingly, plenary authority has been exercised by Congress from the beginning, and the power has always been deemed a political one, not subject to be controlled by the judicial department of the Government." (United States *v.* Kagama, 118 U. S. 375; United States *v.* Celestine, 215 U. S. 278; United States *v.* Heckman, 224 U. S. 413; United States *v.* Sandoval, supra.)

In the Sandoval case the court declares:

"Long-continued legislative and executive usage and the unbroken current of judicial decisions have attributed to the United States, a superior and civilized Nation, the power and the duty of exercising a fostering care and protection over all dependent Indian communities within its borders."

And in the case of Heckman *v.* United States (224 U. S. 413) it is declared:

"There can be no more complete representation than that on the part of the United States in acting on behalf of these dependents whom Congress, with respect to the restricted lands, has not yet released from tutelage. Its efficacy does not depend upon the Indians' acquiescence. It does not rest upon convention, nor is it circumscribed by rules which govern private relations. It is a representation which traces its source to the plenary control of Congress in legislating for the protection of the Indians under its care, and it recognizes no limitations that are inconsistent with the discharge of the national duty."

The Pueblo Indians require protection. They were wards of both the Spanish and Mexican Governments, and as such the United States received them under its treaty obligations. Pueblo Indians, while under Spanish and under Mexican rule, under certain circumstances and conditions received this protection, and the transfer of sovereignty to the United States of America neither increased nor diminished the power of the Indians or the duty of the United States to continue the guardian and ward relationship which had existed under Spain and Mexico.

The main question is not whether an Indian could under Spain or Mexico sell his real estate but under what circumstances and conditions, and did those circumstances and conditions continue after the United States acquired the country in which these Pueblo Indian lands are situate? I am convinced that such conditions did continue and that in the performance of its sovereign duty as guardian the United States is in duty bound to require occupants of Indian lands to show a compliance with all such conditions.

To make such compliance under the strict rules of law governing the making of competent proof, in my judgment, in a very large number of meritorious cases will be impossible and in all cases will work a tremendous financial hardship upon individual claimants to lands which were undoubtedly regularly alienated but of which fact proof is entirely lacking when subjected to the strict rules of competency which must be adhered to in our courts. (U. S. *v.* Ritchie, 17 How. 525; U. S. *v.* Sandoval, supra.)

"5. That the omnibus actions now pending will be sustained by the courts, if prosecuted to final judgment, against a large majority of the individual defendants cited therein, as well as against other defendants which may be proceeded against in actions yet to be filed."

This result will follow not through any fault of the defendants who perforce must be finally evicted. It will arise in most cases for failure of competent proof, and this failure is directly chargeable to the lack of laws requiring records of instruments during Spanish and Mexican times, to customs of the people whereby transfers were made merely by delivery of possession, through lack of proof in probate and other court proceedings, and also owing to the great expense necessary even if such proofs were available, as in some cases they may be. A further cogent reason lies in the fact that in many of the cases during six or seven generations of open, notorious adverse possession and occupancy there has likewise been no adverse claim advanced or made by the Indians themselves. That at enforcement of the law and the granting of the prayers of the United States in its capacity as guardian under these actions now pending under all the circumstances in each case is beyond the requirements of justice, not demanded by sound governmental policy, unwarranted by the exigencies of the situation and not in the interest of the Indians themselves.

PLEAS OF STATUTES OF LIMITATION AND LACHES CAN NOT BE SUCCESSFULLY URGED.

"6. The ordinary defenses to actions of this sort afforded American citizens are lacking and unavailable for the reason that the supervision of Indian affairs and the protection of the Indians incumbent upon the United States Government owing to its status as guardian creates a public interest as well as a public duty, and for that reason the ordinary defense usually urged and pleaded in cases where the lapse of time has destroyed or removed competent proof of facts of statutes of limitation can not be successfully urged or pleaded by defendants."

The Government is not bound by any statute of limitations where a public interest or a public duty is involved, nor is it guilty of laches through acts of omission or commission of its officers, no matter how gross, in a suit brought in its sovereign capacity to enforce such public right or to assert a public interest.

Mr. Justice Gray, delivering the opinion of the court, in United States *v.* Nashville, etc., Ry. Co., upon the question of statutes of limitation in such cases says:

"It is settled beyond doubt or controversy upon the foundation of the great principle of public policy, applicable to all governments alike, which forbids that the public interests should be prejudiced by the negligence of the officers or agents to whose care they are confided, that the United States, asserting rights vested in them as a sovereign Government, are not bound by any statute of limitations unless Congress has clearly manifested its intention that they should be so bound." (United States *v.* Nashville, etc., Ry. Co., 118 U. S., p. 125, citing Lindsay *v.* Miller, 6 Pet. 666; United States *v.* Knight, 14 Pet. 301, 315; Gibson *v.* Chouteau, 13 Wall. 92; United States *v.* Thompson, 98 U. S. 486; Fink *v.* O'Neil, 106 U. S. 272, 281.)

"7. Because the prayer for discovery as to defendant's title incorporated in the bills filed by the Government acting as guardian for and on behalf of the pueblos in each instance must be granted, and failing in this regard owing to circumstances and conditions existing in New Mexico from time immemorial, and through no fault or neglect on his part, judgment must be for the plaintiff and defendant eventually ousted from possession. In this manner it is quite possible for the Government to avoid the defect in the criticism of bills heretofore filed for the purpose of determining the title to Indians' lands, that there was an adequate remedy at law, ejectment, to which course, if relegated, the Government would be compelled to bring a very large number of suits the issues of which would be tried before a jury. In this manner the equity jurisdiction of the court will be maintained and any attempt to invoke the right to or procure a trial by jury frustrated.

"8. Many claims to land within the areas admitted to be pueblo lands rest upon ancient transfers from individual Indians. These claims, unless supported by proof of governmental approval, Spanish, Mexican, or American, respectively, must fail, for the reason that the Indian interest is communal and not a separate interest subject to conveyance by any individual or group of Indians, and therefore any deed from an individual Indian or group of Indians is absolutely null and void unless such deed shows governmental participation and approval." (United States *v.* Joseph, 94 U. S. 618.)

Any such deed is a nullity on its face and no one can derive title under it. Such a transfer was contrary to Spanish or Mexican policy as well as American law, and is strictly forbidden; and where a deed of conveyance is void upon its face, as being in violation of law, the party claiming under it is chargeable with knowledge of the law and of the invalidity of the deed; and this is the rule in Mexican as well as in American law. In such case the party does not even derive a color of title which will give him constructive possession of a tract of land beyond his actual occupation. (Sunol *v.* Hepburn, 1 Calif. 254.)

"9. Because the decisions of the courts, since the treaty of Guadalupe Hidalgo, have universally recognized the rights of the Pueblos to alienate their lands." (United States *v.* Lucero, supra; United States *v.* Joseph, supra.)

On this account, and believing the law settled upon that point, in recent years many purchases of lands within the limits of the grants to the Pueblos have been made after the ordinary safeguards of securing the advice of competent attorneys have been obtained; and in all equity and good conscience if such purchasers of lands have no sufficient title, then they should be reimbursed if the lands are to be restored to the Pueblos, who in truth have never made objection, believing that many years previous the Pueblo had rightfully acted in the disposition of tracts of this character.

The injustice of such a state of affairs is self-evident. The predecessors in interest of many of the purchasers of these lands, during six and seven generations, have passed on to judgment before a court where race, previous condition of servitude, citizenship, or other classification are not material. Their testimony is not available. The records of their acts in securing title from the Pueblos have been lost or destroyed and present owners are unable, except in rare cases, to furnish the necessary proof to support a title, which has always been recognized as sufficient, in Spanish, Mexican, and American times, if the strict rules of law are followed and enforced.

"9. The fact that the United States may, under its authority hereinbefore considered, at any time in the future take steps to oust persons in possession of lands within these pueblo grants, and the continuing uncertainty as to title, has cast a cloud on all lands held by white people within the pueblo areas."

This situation is intolerable and should not continue. It is unsatisfactory to the Indians, and it has created a constant, continuing hardship upon the settlers. The mortgage value of the lands is almost nothing; sales, leases, and transfers have been discontinued, and the feeling between the Indians and their white neighbors is constantly approaching a climax which may result in serious conflict, an avoidance of which is earnestly hoped for by settler and Indian alike; and any clash of parties which may arise suddenly would bring about results deplorable in the extreme and in every possible way imaginable would be detrimental to the interest of the Indian. That any such events may be prevented is a reason of paramount importance why a solution of the problems, which in many instances have arisen through no connivance or inducement of either of the parties in interest, is urgent, insistent, and demanding the earliest possible consideration by the Congress of the United States in the passage of some act whereby justice to all parties may be immediately promised and secured.

"10. The Indians desire that these matters be finally determined upon lines of equity and justice."

Advised by their attorneys, employed at various times and for differing purposes, and by attorneys appointed by the Government of the United States, prior to the decision in the Sandoval case, that the pueblo, acting through its executive officers and its council, had the authority to alienate its communal lands, such officers have made deeds of transfer in good faith and have received fair compensation therefor.

In addition to this source of title, the pueblos have, in some instances, in controversies pending in the local Territorial courts, been subjected to decrees and judgments quieting title against them. As to these, as a most urgent reason why some action should be taken in the premises, it may be added that in my judgment, in a proper case, the United States, as guardian of the Indians, could secure decrees or judgments which would nullify and destroy any and all titles which originate with any such judgment of the Territorial courts, and the fact that such a course is possible casts a cloud upon that class of title, and the Indian, always ready to respect the laws and the judgments of the courts provided by the United States for his government and for the government of his white neighbors, is unable to differentiate as between courts, nor can he understand the reasons for the differing opinions of lawyers or of courts. As a result he is all at sea and is dependent wholly upon the Government and its representatives. This is a situation which should be clarified through congressional action at the very earliest moment.

11. Aggressions, encroachments, and other discriminating practices by settlers upon Indian lands, claiming title of one sort and another, have been in vogue for many years, principally since the advent of American sovereignty. To enumerate instances and methods of accomplishment is not necessary here. It is sufficient to say that such practices have been in evidence and the Indian has always been the losing party. This should be stopped at once and for all time.

Trespasses have been the rule rather than the exception in the use and occupancy of their pasturage lands, and the local courts and juries have yet, in my judgment, to show where the Indian has ever received justice. Assaults have been committed by settlers upon these Indians, where they have sought relief in the courts, and all sorts of charges trumped up for the occasion have been urged in justice of the peace courts, invariably resulting to the discomfiture and disadvantage of the Indian.

"11. Irrigation and the use of water in the cultivation of the lands in this semiarid section is a necessity for the successful raising of crops of almost every kind."

There are instances where white settlers and Indians are joint owners in irrigation canals which serve Indian lands within the pueblo areas and settlers' lands within and without the pueblo areas. In one instance, at least, the irrigating ditch has its source or intake or diversion point upon lands confessedly not Indian. Controversies of a most serious character have arisen over the costs and methods of administering this ditch and the use and content of the water.

As the law now stands, I see no one forum having jurisdiction to settle these controversies, and the judgment of the State court and

that of the United States court might be in conflict to that extent that difficulties of the most serious nature might ensue.

"12. The title of the Indians to the lands occupied by them from time immemorial, while confirmed by act of Congress, which act was followed by the issuance of a patent, did not constitute an original grant; it was simply a quitclaim or confirmation of an already existing title."

These patents each contain the following language:

Now, know ye that the United States of America, in consideration of the premises and in conformity with the act of Congress aforesaid, have given and granted, and by these presents do give and grant, unto the said pueblo of ————, in the county of ———— aforesaid, and to the successors and assigns of the said pueblo of ————, the tract of land above described as embraced in said survey, but with the stipulation as expressed in the said act of Congress "that this confirmation shall only be construed as a relinquishment of all title and claim of the United States to any of said lands, and shall not affect any adverse valid rights should such exist."

Owing to the lack of information as to a proper description of the lands actually belonging to these pueblos and based upon alleged descriptions contained in a so-called archive, which is beyond doubt spurious, these patents and the surveys have quitclaimed to the Indians in some cases lands the title to which was later decreed to other parties by the court of private land claims, and these decrees and resulting conflicts as to boundaries also cast a cloud on the title of both classes of holdings, and this situation demands remedial legislation.

It has come to my notice that certain interests, voiced through organizations perfected for the purpose, are of opinion that a commission appointed by the President would best be able to solve all of the problems presented in the matters under consideration. Personally, I can not entertain a view favorable to this suggestion. The proper forum, as all will admit, under American institutions in which all judicial questions should be settled, is the court, and in handling these matters the United States District Court for New Mexico is, beyond all question, the logical forum for the determination and solution of the many problems which confront us. Now that New Mexico has an additional United States district judge, it is my opinion, which is also the opinion of nearly all of the members of the bar in our State, that within three years at the utmost all of these claims could be passed upon by the district court.

The cost of a commission, whose personnel was made up of men of capabilities equal to those of our United States judges, would command and deserve a salary commensurate with the duties imposed upon them, and a very conservative estimate of the cost of the commission would be not less than $500,000. All of this would be saved by the use of the forum which we now have, and if even a small part of this money so saved should be expended in the betterment of conditions for the various Pueblo tribes it would certainly be a consummation most earnestly hoped for by those who have the real interest and welfare of the Indian at heart.

The reasons before mentioned, in my judgment, are all-sufficient in urging remedial legislation at the earliest possible day.

R. E. TWITCHELL.

I also have a copy of a letter addressed to the Commissioner of Indian Affairs under date of December 11, 1922, which I am informed was written to the commissioner voluntarily and without any solicitation on the part of anyone by a gentleman of high character and a man who has lived for many years in New Mexico. His name is Mr. A. J. Abbott. I think every Member of the House would be enlightened if they could know the contents of this letter, and, that they may have the benefit of knowing its contents, I wish to read it.

SANTA FE, N. MEX., *December 11, 1922.*

Hon. CHARLES H. BURKE,
Commissioner Indian Affairs, Washington, D. C.

DEAR SIR: You do not know me personally or in any official or business way, but, feeling assured of a common interest in the welfare of the Pueblo Indians of New Mexico, I presume to address this letter to you personally.

During the greater part of the incumbency of Commissioner Jones and all of the incumbency of Commissioner Leupp, I was the special attorney for the Pueblo Indians of New Mexico and naturally became very much interested in them.

I have noted with surprise and pain the seemingly concerted attack upon the measure known as the Bursum bill and upon the policy of the Indian Department.

The frame of mind which you have so happily denominated "hysteria," which, like a contagion, seems to have taken hold of a class of people, is inexplicable by any ordinary process of reasoning. I feel sure, however, that if those in charge of the measure persevere discreetly and firmly the fallacy of the so-called objections to the bill will shortly appear. The propaganda which has so industriously, by misrepresenting the purpose of the measure and, I am persuaded, purposely misconstruing its terms and language, has impressed upon the Indian mind that a great intentional wrong against them is contemplated. How easily such a state of mind may be produced among these people is well known by all who have had extensive experience with them. The furor which the newspaper publicity has created is without foundation, and very unfortunate. I have studied the bill with great care and am convinced that its provisions are wholesome and salutary and that amendments are not desirable.

The legal phraseology, such as "without color of title" and other phrases which, as used in this bill, have a purely legal significance, have been made use of ingeniously to cloud the minds of those who do not understand, and to read into the bill a seemingly pernicious and dishonest purpose. It is painful to me, as I know it must be to others who have at heart the welfare of the Indians, to observe the poisoning of the public mind by taking advantage of an excusable ignorance on the part of laymen of the true legal significance of such words and phrases. I am convinced that there is behind it all a deep-laid political scheme to defeat some of our public men when they come up for reelection or public indorsement. I believe, however, that the better-informed element among our people have confidence in the ability and integrity of the gentlemen who framed the bill, and in yourself and your able associates in the Indian Department who have examined and understood its provisions; and may we not hope that the light which may be let in by honest discussion, and the soberness born of careful investigation, will prevail in the end. I already observe a quieting effect, produced, as I believe, by your well-considered, able, and persuasive letter to Mr. George Vaux, chairman of the Board of Indian Commissioners, which was recently published in one of our local papers. Permit me to congratulate you upon your calm, sober, and convincing words, and your forceful appeal for credit, for honesty of purpose and action, on the part of the Indian Office.

There is no more occasion for this attack upon the Bursum bill than there has been for the last 50 years for a like attack upon the legislation by Congress and by the Territory and State of New Mexico, as the same has affected these Indians. It is a flamboyant, misleading, and deceptive campaign; an orgy of lurid words, unsupported statements, and alarming assertions; and we may confidently predict that it will die of its own frenzied paroxysms.

With the sincere hope that the storm of unreason will shortly subside, and the desired legislation may be accomplished without further unnecessary delay, I am, with great respect,

Yours truly,

A. J. ABBOTT,
225 Federal Place, Santa Fe, N. Mex.

THE LATE HON. THOMAS E. WATSON.

Mr. CRISP. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 471.

Ordered, That Sunday, the 11th day of February, 1923, at 12 o'clock noon, be set apart for addresses on the life, character, and public services of Hon. THOMAS E. WATSON, late a Senator from the State of Georgia.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken and the resolution was agreed to.

THE LATE HON. J. KUHIO KALANIANAOLE.

Mr. BALDWIN. Mr. Speaker, I ask unanimous consent that Sunday, the 7th day of January, be set aside for paying tribute to the memory of the late Delegate from Hawaii, J. KUHIO KALANIANAOLE.

The SPEAKER. The Delegate from Hawaii asks unanimous consent that Sunday, the 7th day of January, be set aside for memorial exercises to the late Delegate from Hawaii, J. KUHIO KALANIANAOLE. Is there objection? [After a pause.] The Chair hears none.

AIRCRAFT FOR NAVAL ESTABLISHMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report, which the Clerk will report.

The Clerk read as follows:

House Resolution 466 (Rept. No. 1280).

Resolved, That during the consideration of the bill (H. R. 13374) making appropriations for the Navy Department for the fiscal year 1924, it shall be in order to consider, without the intervention of a point of order, provisions of the bill or amendments thereto relating to appropriations to procure, purchase, manufacture, or construct additional aircraft for the Naval Establishment, including the necessary spare parts and equipment therefor, at a total cost not exceeding $5,798,950.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent to strike out the period at the end of line 9, insert a comma, and add also the language between lines 12 and 17 on page 55, inclusive.

The SPEAKER. The gentleman asks unanimous consent to amend the resolution as follows. The Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL of Kansas: Amend the resolution on page 1, line 9, after the figures, the following: Strike out the period, insert a comma, and insert: "and also the President is requested to enter into negotiations with the Governments of Great Britain, France, Italy, and Japan with a view of reaching an understanding or agreement relative to limiting the construction of all types and sizes of subsurface and surface craft of 10,000 tons standard displacement or less, and of aircraft."

Mr. SANDERS of Indiana. Will the gentleman yield?

The SPEAKER. Is there objection?

Mr. LINEBERGER. I object.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to amend the resolution by inserting the language just read.

Mr. LINEBERGER. Mr. Speaker, I offer the following as a substitute.

Mr. DOWELL. Mr. Speaker, I move the previous question on the motion——

Mr. CAMPBELL of Kansas. I have not yielded the floor. I offer as an amendment the language just read, and upon that I move the previous question.

Mr. LINEBERGER. Mr. Speaker, I offer the following as a substitute.

The SPEAKER. If the previous question is voted down the substitute can be offered.

Mr. STAFFORD. May we have the amendment again reported?

The SPEAKER. The Clerk will again report the amendment.

The Clerk read as follows:

Mr. CAMPBELL of Kansas moves to amend the resolution by adding at the end thereof, line 9, the following language:
"And also the President is requested to enter into negotiations with the Governments of Great Britain, France, Italy, and Japan with the view of reaching an understanding or agreement relative to limiting the construction of all types and sizes of subsurface and surface craft of 10,000 tons standard displacement or less, and of aircraft."

Mr. PARKER of New Jersey. Mr. Speaker, I desire to propound a parliamentary inquiry.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question.

The SPEAKER. The Chair did not understand what the motion was.

Mr. CAMPBELL of Kansas. I move the previous question on the amendment and the resolution.

The SPEAKER. The gentleman from Kansas moves the previous question on the amendment and the resolution.

Mr. PARKER of New Jersey. I rise, Mr. Speaker, to a point of parliamentary procedure.

The SPEAKER. The gentleman will state it.

Mr. PARKER of New Jersey. I think the gentleman's original motion was that that matter was to be in order. This motion is that "the President is requested," and so forth.

Mr. CAMPBELL of Kansas. That can be adjusted when we reach the item in the bill. The resolution makes in order the consideration——

Mr. PARKER of New Jersey. I do not so understand it——

Mr. CAMPBELL of Kansas. Or germane amendments thereto.

Mr. PARKER of New Jersey. This amendment makes that matter carried instead of making it subject to consideration.

Mr. STAFFORD. Mr. Speaker, may we have the resolution again read?

The SPEAKER. Without objection, the whole resolution will again be read.

The Clerk read as follows:

House Resolution 466, as amended:
"*Resolved*, That during the consideration of the bill H. R. 13374, making appropriations for the Navy Department and the naval service for the fiscal year 1924, it shall be in order to consider, without the intervention of a point of order, provisions of the bill or amendments thereto relating to appropriations to procure, purchase, manufacture, or construct additional aircraft for the Naval Establishment, including the necessary spare parts and equipment therefor, at a total cost not exceeding $5,798,950, and also that part of the appropriation bill on page 55, lines 12 to 17, inclusive."

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution is very clear as to its purpose. I move the previous question.

Mr. DOWELL. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. DOWELL. The statement, "without the intervention of a point of order" is not important in this, and only loses the question. It seems to me that should have been left out of the resolution, because if it is made in order by virtue of this resolution it is not then subject to a point of order.

Mr. CAMPBELL of Kansas. It is just a question of phraseology. The resolution covers the intent.

Mr. LONDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONDON. It is this: Whether it is possible to separate the resolution and vote on each part of it, or has it to be voted for as an entirety?

The SPEAKER. No. The vote would be taken on the resolution as a whole.

Mr. COOPER of Wisconsin. Mr. Speaker, I rise to a point of order.

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. COOPER of Wisconsin. Under the rules of the House ought not a resolution like the one that has just been offered by the gentleman from Kansas go to the Committee on Foreign Affairs?

The SPEAKER. No; the Chair thinks not. The gentleman from Kansas offers a resolution making in order certain provisions of the naval appropriation bill. The Chair thinks the Committee on Rules has the right to make such a report. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

Mr. LINEBERGER. Mr. Speaker, I ask for the yeas and nays on the previous question.

The SPEAKER. The gentleman is too late. The Chair had declared that carried and had already put the question.

Mr. LINEBERGER. I make the point of no quorum.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry. Will the gentleman from California withhold his point?

Mr. LINEBERGER. Yes; I withhold it.

Mr. GARRETT of Tennessee. In the event that the count should develop the fact that there is no quorum present, the question would then be on the amendment?

The SPEAKER. The vote now will simply be a call of the House, because there has been no division.

Mr. GARRETT of Tennessee. Is it too late, if the gentleman will withhold his point of no quorum, to demand a division?

The SPEAKER. If the gentleman from California will withhold it, it is not.

Mr. GARRETT of Tennessee. Will the gentleman withhold it?

Mr. LINEBERGER. I do.

Mr. GARRETT of Tennessee. I ask for a division on the question.

The SPEAKER. Those in favor of the amendment will rise and stand until they are counted. [After counting.] One hundred and seven gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Two gentlemen have risen in the negative. Does the gentleman from California [Mr. LINEBERGER] withdraw his point of no quorum?

Mr. LINEBERGER. Yes.

The SPEAKER. On this vote the ayes are 107 and the noes are 2.

Mr. LINEBERGER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The question is on agreeing to the amendment to the resolution. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 251, nays 9, not voting 170, as follows:

YEAS—251.

Abernethy	Evans	Lampert	Ransley
Ackerman	Faust	Lanham	Rayburn
Andrews, Nebr.	Favrot	Lankford	Reece
Anthony	Fenn	Larsen, Ga.	Reed, N. Y.
Appleby	Fess	Larson, Minn.	Rhodes
Arentz	Fields	Lawrence	Ricketts
Aswell	Fisher	Lazaro	Roach
Atkeson	Fordney	Lea, Calif.	Robsion
Bankhead	Foster	Leatherwood	Rogers
Barbour	Free	Lehlbach	Rouse
Barkley	French	London	Sanders, Ind.
Beck	Fuller	Lowrey	Sanders, Tex.
Bell	Fulmer	Lyon	Sandlin
Benham	Funk	McArthur	Scott, Tenn.
Bird	Garner	McClintic	Sears
Bixler	Garrett, Tenn.	McCormick	Shreve
Black	Gernerd	McDuffie	Sinclair
Blanton	Gifford	McKenzie	Sinnott
Boies	Gilbert	McLaughlin, Mich.	Smithwick
Bowling	Glynn	McLaughlin, Nebr.	Snyder
Box	Graham, Ill.	McPherson	Speaks
Brennan	Green, Iowa	McSwain	Sproul
Briggs	Greene, Mass.	MacGregor	Stafford
Brooks, Ill.	Greene, Vt.	MacLafferty	Steagall
Brown, Tenn.	Hadley	Madden	Stedman
Bulwinkle	Hardy, Colo.	Magee	Steenerson
Burdick	Hardy, Tex.	Mansfield	Stephens
Burtness	Haugen	Mapes	Strong, Kans.
Byrnes, S. C.	Hawley	Michener	Strong, Pa.
Byrns, Tenn.	Hayden	Miller	Summers, Wash.
Campbell, Kans.	Hays	Mondell	Sumners, Tex.
Campbell, Pa.	Hersey	Montague	Swank
Cannon	Hickey	Montoya	Swing
Carter	Hicks	Moore, Ohio	Taylor, Colo.
Chandler, N. Y.	Hoch	Moore, Va.	Taylor, N. J.
Chandler, Okla.	Hogan	Morgan	Taylor, Tenn.
Chindblom	Hooker	Mott	Thomas
Christopherson	Huck	Mudd	Thompson
Clague	Huddleston	Murphy	Tilson
Clarke, N. Y.	Hudspeth	Nelson, Me.	Timberlake
Clouse	Hukriede	Nelson, A. P.	Tincher
Cockran	Hull	Nelson, J. M.	Treadway
Cole, Iowa	Humphrey, Nebr.	Newton, Minn.	Turner
Collier	Humphreys, Miss.	Newton, Mo.	Tyson
Colton	Ireland	Norton	Vestal
Connally, Tex.	Jefferis, Nebr.	O'Connor	Vinson
Cooper, Ohio	Jeffers, Ala.	Ogden	Voigt
Coughlin	Johnson, Ky.	Oldfield	Walters
Cramton	Johnson, Miss.	Oliver	Ward, N. C.
Crisp	Johnson, Wash.	Paige	Wason
Crowther	Jones, Tex.	Parker, N. J.	Webster
Dale	Kearns	Parks, Ark.	White, Kans.
Dallinger	Keller	Patterson, Mo.	White, Me.
Darrow	Kelley, Mich.	Patterson, N. J.	Williams, Ill.
Davis, Tenn.	Ketcham	Paul	Williamson
Denison	Kincheloe	Perkins	Wilson
Dickinson	King	Pou	Wingo
Dominick	Kirkpatrick	Pringley	Woods, Va.
Dowell	Kissel	Purnell	Wurzbach
Drewry	Kline, N. Y.	Quin	Wyant
Driver	Kline, Pa.	Raker	Yates
Dupré	Knutson	Ramseyer	Young
Elliott	Kopp	Rankin	

NAYS—9.

Begg	Gahn	Logan	Porter
Cooper, Wis.	Lineberger	Moores, Ind.	Stevenson
Fitzgerald			

NOT VOTING—170.

Almon	Edmonds	Langley	Schall
Anderson	Ellis	Layton	Scott, Mich.
Andrew, Mass.	Fairchild	Lee, Ga.	Shaw
Ansorge	Fairfield	Lee, N. Y.	Shelton
Bacharach	Fish	Linthicum	Siegel
Beedy	Focht	Little	Sisson
Blakeney	Frear	Longworth	Slemp
Bland, Ind.	Freeman	Luce	Smith, Idaho
Bland, Va.	Frothingham	Luhring	Smith, Mich.
Bond	Gallivan	McFadden	Snell
Bowers	Garrett, Tex.	McLaughlin, Pa.	Stiness
Brand	Gensman	Maloney	Stoll
Britten	Goldsborough	Martin	Sullivan
Brooks, Pa.	Goodykoontz	Mead	Sweet
Browne, Wis.	Gorman	Merritt	Tague
Buchanan	Gould	Michaelson	Taylor, Ark.
Burke	Graham, Pa.	Mills	Temple
Burroughs	Griest	Moore, Ill.	Ten Eyck
Burton	Griffin	Morin	Thorpe
Butler	Hammer	O'Brien	Tillman
Cable	Hawes	Olpp	Tinkham
Cantrill	Henry	Osborne	Towner
Carew	Herrick	Overstreet	Tucker
Chalmers	Hill	Park, Ga.	Underhill
Clark, Fla.	Himes	Parker, N. Y.	Upshaw
Classon	Husted	Perlman	Vaile
Codd	Hutchinson	Petersen	Vare
Cole, Ohio	Jacoway	Radcliffe	Volk
Collins	James	Rainey, Ala.	Volstead
Connolly, Pa.	Johnson, S. Dak.	Rainey, Ill.	Ward, N. Y.
Copley	Jones, Pa.	Reber	Watson
Crago	Kahn	Reed, W. Va.	Weaver
Cullen	Kelly, Pa.	Riddick	Wheeler
Curry	Kendall	Riordan	Williams, Tex.
Davis, Minn.	Kennedy	Robertson	Winslow
Deal	Kiess	Rodenberg	Wise
Dempsey	Kindred	Rose	Wood, Ind.
Doughton	Kitchin	Rosenbloom	Woodruff
Drane	Kleczka	Rossdale	Woodyard
Dunbar	Knight	Rucker	Wright
Dunn	Kraus	Ryan	Zihlman
Dyer	Kreider	Sabath	
Echols	Kunz	Sanders, N. Y.	

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Echols with Mr. Buchanan.

Mr. Browne of Wisconsin with Mr. Rainey of Illinois.

Mr. Butler with Mr. Cantrill.

Mr. Shelton with Mr. Tague.

Mr. Mills with Mr. Rainey of Alabama.

Mr. Henry with Mr. Weaver.

Mr. Edmonds with Mr. Hawes.

Mr. Britten with Mr. Lee of Georgia.

Mr. Kahn with Mr. Martin.

Mr. Winslow with Mr. Kunz.

Mr. Underhill with Mr. Williams of Texas.

Mr. Temple with Mr. Linthicum.

Mr. Anderson with Mr. Ten Eyck.

Mr. Vare with Mr. Drane.

Mr. Beedy with Mr. Gallivan.

Mr. Towner with Mr. Sabath.

Mr. Bland of Indiana with Mr. Doughton.

Mr. Frothingham with Mr. Taylor of Arkansas.

Mr. Olpp with Mr. Hammer.

Mr. Kendall with Mr. Riordan.

Mr. Dunbar with Mr. Brand.

Mr. Langley with Mr. Clark of Florida.

Mr. Burton with Mr. Wright.

Mr. Graham of Pennsylvania with Mr. Kitchin.

Mr. Hill with Mr. O'Brien.

Mr. Merritt with Mr. Mead.

Mr. Gorman with Mr. Almon.

Mr. Cole of Ohio with Mr. Overstreet.

Mr. Crago with Mr. Cullen.

Miss Robertson with Mr. Stoll.

Mr. Radcliffe with Mr. Goldborough.

Mr. Wood of Indiana with Mr. Tucker.

Mr. Osborne with Mr. Jacoway.

Mr. Johnson of South Dakota with Mr. Wise.

Mr. Kiess with Mr. Garrett of Texas.

Mr. Bacharach with Mr. Tillman.

Mr. Longworth with Mr. Deal.

Mr. McFadden with Mr. Sullivan.

Mr. Andrew of Massachusetts with Mr. Carew.

Mr. Davis of Minnesota with Mr. Rucker.

Mr. Hutchinson with Mr. Bland of Virginia.

Mr. Snell with Mr. Park of Georgia.

Mr. Moore of Illinois with Mr. Sisson.

Mr. Griest with Mr. Collins.

Mr. Michaelson with Mr. Griffin.

Mr. Connolly of Pennsylvania with Mr. Upshaw.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The yeas have it, and the amendment is agreed to. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 13316) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1924, and for other purposes, disagreed to by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES of Washington, Mr. SPENCER, and Mr. OVERMAN as the conferees on the part of the Senate.

SPEAKER PRO TEMPORE ON MONDAY.

The SPEAKER. The Chair expects to be detained on Monday at an important meeting of the Arlington Memorial Bridge Commission after 12 o'clock, and designates the gentleman from Kansas [Mr. CAMPBELL] to preside until his arrival in case the Chair is not here at 12 o'clock.

CLERK TO COMMITTEE ON MILEAGE.

Mr. IRELAND. Mr. Speaker, I ask consideration of the following privileged resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois sends up a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 468 (Rept. No. 1281).

Resolved, That the Committee on Mileage be, and is hereby, authorized to hire a clerk for the said committee for the period of one month during the third and fourth sessions of the Sixty-seventh Congress. Compensation of said clerk to be paid out of the contingent fund of the House of Representatives at the rate of $125.

Mr. IRELAND. Mr. Speaker, this is the customary resolution, to grant one month's salary to the clerk of the Committee on Mileage. I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FREDERIC H. BLACKFORD AND ELIZABETH F. MULLEN.

Mr. IRELAND. Mr. Speaker, I ask consideration of the following privileged resolution.

The SPEAKER. The gentleman from Illinois offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 447 (Rept No. 1282).

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Frederic H. Blackford the sum of $228.33 and to Elizabeth F. Mullen the sum of $78.33, being the amount received by them per month as clerks to the late Hon. Charles R. Connell at the time of his death, September 26, 1922.

Mr. IRELAND. This is the usual resolution for the employees of a deceased Member.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ANTIONETTE LOUISE FREEMAN.

Mr. IRELAND. Mr. Speaker, I ask consideration for a similar resolution.

The SPEAKER. The gentleman from Illinois offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 452 (Rept. No. 1283).

Resolved, That there shall be paid, out of the contingent fund of the House, to Antionette Louise Freeman, widow of Granville C. Freeman, late a clerk to Representative ARTHUR M. FREE, a sum equal to six months of the compensation of said Granville C. Freeman and an additional sum not exceeding $250 to defray his funeral expenses.

Mr. IRELAND. This is the usual resolution in such cases.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

HARRY NORMAN FLEMING.

Mr. IRELAND. I ask consideration of the following privileged resolution.

The SPEAKER. The gentleman from Illinois offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 423 (Rept. No. 1284).

Resolved, That there be paid out of the contingent fund of the House $1,200 to Harry Norman Fleming for extra and expert services to the Committee on Pensions from December 4, 1921, to the end of the second session of the Sixty-seventh Congress, as assistant clerk to said committee by detail from the Bureau of Pensions, pursuant to law.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. IRELAND. Certainly.

Mr. BLANTON. This is an additional salary. This does not constitute the entire salary of this employee.

Mr. IRELAND. No.

Mr. BLANTON. How much does he draw besides this additional $100 a month that is to be now given him for the past year?

Mr. IRELAND. I think in the neighborhood of $2,000. I will not be positive about that.

Mr. BLANTON. Is it not nearer $2,500 a year?

Mr. IRELAND. It might be. I can not recall from memory now, although I knew at the time the committee passed upon it. It has been customary in the past to grant this additional compensation to these special examiners assigned from the Bureau of Pensions to the different pension committees of the House. The number has been increased at times in the past and, although unauthorized by law, due possibly to the voluminous work of the committee, two appointees have sometimes served one of the Committees on Pensions. This is the usual resolution.

Mr. BLANTON. Is the work before the committee as an advisor any more difficult or any harder than his usual work in the Pension Bureau?

Mr. IRELAND. I am not qualified to answer that, but I should not think so.

Mr. BLANTON. Then why should we increase this salary $1,200?

Mr. IRELAND. It is an appointment always sought by employees of the Pension Bureau. The Members of the House and of the Committee on Pensions and Invalid Pensions have always very strongly advocated this time-honored custom.

Mr. BLANTON. Just before Christmas.

Mr. IRELAND. I can not defend it as a practice in itself, and confess that I personally am not in favor of it.

Mr. BLANTON. I did not think the gentleman, as chairman of the committee, could defend it.

Mr. KNUTSON. In justice to the Committee on Accounts may I say that the Committee on Pensions has lost two examiners by death in this Congress, and the doctors in both instances stated that death was due to overwork. Our examiner comes to work at 7.30 or 8 o'clock in the morning and works until late. He is one of the hardest-worked men in the House Office Building. There is no question about that. He passes upon every pension bill that is considered by our committee. The Committee on Invalid Pensions have two or three examiners, and the Committee on Pensions has only one, notwithstanding we have fully as many cases to consider.

Mr. BLANTON. I understood from the chairman of the committee, who himself is not personally in line with this proposition, that this position is sought after by several of the employees of the Pension Bureau. If it is such an arduous position I would not imagine they would so zealously seek it.

Mr. KNUTSON. Somebody has got to do the work.

Mr. BLANTON. Yes; but this is increasing a salary of approximately $2,500 a year to $3,700.

Mr. KNUTSON. Oh, no, these examiners do not receive any such sum. They are clerks in the Pension Bureau loaned to the Pension Committees of the House, and this is extra compensation in consideration of the extra work which they perform here.

Mr. BLANTON. How much do they receive?

Mr. KNUTSON. Our examiner receives $1,800 and bonus.

Mr. BLANTON. Is the gentleman sure of that?

Mr. KNUTSON. Yes, sir.

Mr. BLANTON. The gentleman admits that he already receives $1,800 plus the $240 bonus, or $2,040 per year, and to allow him this proposed increase of $1,200 would aggregate a salary of $3,240, which is not far from my first statement.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

JANITOR TO COMMITTEE ON REFORM IN THE CIVIL SERVICE.

Mr. IRELAND. Mr. Speaker, I offer another privileged resolution.

The SPEAKER. The gentleman from Illinois offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 50 (Rept. No. 1285).

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of $720 per annum for the services of a janitor to the Committee on Reform in the Civil Service, payment to commence from the date such janitor entered upon the discharge of his duties, which shall be ascertained and evidenced by the certification of the chairman of said committee.

Mr. IRELAND. The Committee on Reform in the Civil Service is one of three active committees of the House that have not been given messengers or janitors. The chairman of the committee has indisputably proven to the Committee on Accounts that his committee requires the services of this employee.

Mr. KING. Can the gentleman state what that proof is? Why are the services of a janitor necessary?

Mr. IRELAND. I will let the chairman of the committee state that if he is here.

Mr. SEARS. What committee is this?

Mr. IRELAND. The Committee on Reform in the Civil Service.

Mr. SEARS. I would like to ask the gentleman if this committee has any meetings?

Mr. IRELAND. Yes.

Mr. SEARS. Do they make any reforms in the civil service? I have been assured by the association in New York that they were making some reforms. How often does this committee meet?

Mr. IRELAND. I can not tell the gentleman; the Committee on Accounts refuses to be responsible for the action of any other committee.

Mr. SEARS. Can the gentleman tell how often the committee meets?

Mr. IRELAND. I will allow the chairman of the committee to answer the gentleman's question.

Mr. SEARS. The gentleman's committee has considered this or he would not have introduced this resolution.

Mr. IRELAND. I can not tell the gentleman how often the committee meets. The chairman will give him that information.

Mr. SEARS. I know comparisons are odious when a Democrat undertakes to sustain his position by quoting a prominent Republican.

Mr. IRELAND. Comparisons are odious and I do not want to indulge in them. If the gentleman wants to refer to the Sixty-fifth Congress I want to say that every inactive committee in the House was given all the employees and clerks that they desired. In the Sixty-sixth Congress that was almost eliminated, and in the Sixty-seventh Congress almost no employees whatever were granted to any committee with very few exceptions.

Mr. SEARS. I happen to know that the chairmen of committees were called before the Committee on Accounts and made to state how often they met and what help they were entitled to, and in nearly all cases no help was given to the inactive committees.

Mr. IRELAND. The gentleman is getting the Sixty-fifth Congress and the Sixty-sixth Congress confused.

Mr. BLANTON. Will the gentleman yield?

Mr. IRELAND. Yes.

Mr. BLANTON. For the information of the gentleman from Florida, I want to suggest that the present distinguished chairman of the Committee on Accounts has brought in many resolutions which did not have his personal indorsement.

Mr. IRELAND. Well, I will try and live that compliment down. [Laughter.]

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FLORENCE A. DONNELLY—EDNA RADCLIFFE.

Mr. IRELAND. Mr. Speaker, I submit the following House resolution.

The Clerk read as follows:

House Resolution 456 (Rept. No. 1286).

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Florence A. Donnelly the sum of $186.66 and to Edna Radcliffe the sum of $120, being the amount received by them per month as clerks to the late Hon. James R. Mann at the time of his death.

Mr. IRELAND. Mr. Speaker, this resolution is the usual resolution which provides for one month's salary to the clerks of the late lamented James R. Mann, our late colleague of the House. As must be apparent to every Member, it is physically impossible for these clerks to close up his business within the period of one month. We all know that outside of his own work Mr. Mann served a number vastly in excess of any other Member. His work was voluminous. It is impossible for the employees to close up the business within the required time, and the committee did not desire to take the responsibility of breaking precedent even in such an unusual case, but later on in the session I feel sure that it will be necessary to offer an additional resolution to be handled as the House may direct. This, Mr. Speaker, is the usual resolution.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. IRELAND. Yes.

Mr. CHINDBLOM. Can not the gentleman suggest an amendment to the resolution and let us dispose of it at this time? I think we are all familiar with the situation.

Mr. IRELAND. Well, that would take some time and there may be some development in the future which may affect it. I wanted to give the House this information.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

NAVAL APPROPRIATION BILL.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13374, the naval appropriation bill.

The question was taken; and on a division (demanded by Mr. LINEBERGER) there were 162 ayes and 2 noes.

Mr. LINEBERGER. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The doorkeepers will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 238, nays 5, answered "present" 1, not voting 186, as follows:

YEAS—238.

Abernethy	Fenn	Lazaro	Rhodes
Ackerman	Fess	Leatherwood	Ricketts
Andrew, Mass.	Fields	Lehlbach	Roach
Andrews, Nebr.	Fisher	Logan	Robsion
Appleby	Focht	Longworth	Rogers
Arentz	Fordney	Lowrey	Rouse
Aswell	French	Luhring	Sanders, Ind.
Atkeson	Fuller	Lyon	Sanders, Tex.
Bankhead	Fulmer	McClintic	Sandlin
Barbour	Funk	McCormick	Scott, Mich.
Beck	Garner	McDuffie	Scott, Tenn.
Begg	Garrett, Tenn.	McKenzie	Sears
Bird	Garrett, Tex.	McLaughlin, Mich.	Shelton
Bixler	Gernerd	McLaughlin, Nebr.	Shreve
Black	Gifford	McPherson	Sinclair
Blanton	Gilbert	McSwain	Sinnott
Boies	Graham, Ill.	MacGregor	Snyder
Bowling	Green, Iowa	MacLafferty	Speaks
Box	Greene, Mass.	Madden	Sproul
Brennan	Greene, Vt.	Magee	Stafford
Briggs	Hadley	Mansfield	Stedman
Bulwinkle	Hardy, Colo.	Mapes	Stephens
Burdick	Hardy, Tex.	Michener	Stevenson
Burroughs	Haugen	Miller	Strong, Kans.
Burtness	Hawley	Mondell	Strong, Pa.
Byrnes, S. C.	Hayden	Montague	Summers, Wash.
Byrns, Tenn.	Hays	Montoya	Sumners, Tex.
Campbell, Kans.	Hersey	Moore, Ohio	Swank
Cannon	Hickey	Moore, Va.	Sweet
Carter	Hicks	Moores, Ind.	Swing
Chandler, Okla.	Hoch	Morgan	Taylor, N. J.
Chindblom	Hooker	Mott	Taylor, Tenn.
Christopherson	Huck	Mudd	Thompson
Clague	Hudspeth	Murphy	Tilson
Clarke, N. Y.	Hukriede	Nelson, Me.	Tincher
Clouse	Humphrey, Nebr.	Nelson, A. P.	Towner
Cockran	Humphreys, Miss.	Nelson, J. M.	Treadway
Cole, Iowa	Ireland	Newton, Minn.	Turner
Collier	Jacoway	Newton, Mo.	Tyson
Colton	Jefferis, Nebr.	Norton	Vaile
Connally, Tex.	Jeffers, Ala.	O'Connor	Vestal
Cooper, Ohio	Johnson, Ky.	Ogden	Vinson
Coughlin	Johnson, Miss.	Oldfield	Walters
Cramton	Johnson, Wash.	Oliver	Ward, N. C.
Crisp	Jones, Tex.	Paige	Wason
Dale	Kearns	Parker, N. J.	Weaver
Dallinger	Kelley, Mich.	Patterson, Mo.	Webster
Darrow	Ketcham	Patterson, N. J.	White, Kans.
Davis, Tenn.	King	Paul	White, Me.
Denison	Kirkpatrick	Perkins	Williams, Ill.
Dickinson	Kissel	Pou	Williamson
Dominick	Kline, N. Y.	Pringey	Wingo
Dowell	Kline, Pa.	Purnell	Woodruff
Drewry	Knutson	Rainey, Ala.	Woods, Va.
Driver	Kopp	Raker	Wurzbach
Dupré	Kraus	Ramseyer	Wyant
Elliott	Lanham	Rankin	Yates
Evans	Lankford	Ransley	Young
Faust	Larsen, Ga.	Reece	
Favrot	Lawrence	Reed, N. Y.	

NAYS—5.

Lineberger	Parks, Ark.	Quin	Steagall
London			

ANSWERED "PRESENT"—1.

Huddleston

NOT VOTING—186.

Almon	Bowers	Cantrill	Crowther
Anderson	Brand	Carew	Cullen
Ansorge	Britten	Chalmers	Curry
Anthony	Brooks, Ill.	Chandler, N. Y.	Davis, Minn.
Bacharach	Brooks, Pa.	Clark, Fla.	Deal
Barkley	Brown, Tenn.	Classon	Dempsey
Beedy	Browne, Wis.	Codd	Doughton
Bell	Buchanan	Cole, Ohio	Drane
Benham	Burke	Collins	Dunbar
Blakeney	Burton	Connolly, Pa.	Dunn
Bland, Ind.	Butler	Cooper, Wis.	Dyer
Bland, Va.	Cable	Copley	Echols
Bond	Campbell, Pa.	Crago	Edmonds
Ellis	Kahn	O'Brien	Steenerson
Fairchild	Keller	Olpp	Stiness
Fairfield	Kelly, Pa.	Osborne	Stoll
Fish	Kendall	Overstreet	Sullivan
Fitzgerald	Kennedy	Park, Ga.	Tague
Foster	Kiess	Parker, N. Y.	Taylor, Ark.
Frear	Kincheloe	Perlman	Taylor, Colo.
Free	Kindred	Petersen	Temple
Freeman	Kitchin	Porter	Ten Eyck
Frothingham	Kleczka	Radcliffe	Thomas
Gahn	Knight	Rainey, Ill.	Thorpe
Gallivan	Kreider	Rayburn	Tillman
Gensman	Kunz	Reber	Timberlake
Glynn	Lampert	Reed, W. Va.	Tinkham
Goldsborough	Langley	Riddick	Tucker
Goodykoontz	Larson, Minn.	Riordan	Underhill
Gorman	Layton	Robertson	Upshaw
Gould	Lea, Calif.	Rodenberg	Vare
Graham, Pa.	Lee, Ga.	Rose	Voigt
Griest	Lee, N. Y.	Rosenbloom	Volk
Griffin	Linthicum	Rossdale	Volstead
Hammer	Little	Rucker	Ward, N. Y.
Hawes	Luce	Ryan	Watson
Henry	McArthur	Sabath	Wheeler
Herrick	McFadden	Sanders, N. Y.	Williams, Tex.
Hill	McLaughlin, Pa.	Schall	Wilson
Himes	Maloney	Shaw	Winslow
Hogan	Martin	Siegel	Wise
Hull	Mead	Sisson	Wood, Ind.
Husted	Merritt	Slemp	Woodyard
Hutchinson	Michaelson	Smith, Idaho	Wright
James	Mills	Smith, Mich.	Zihlman
Johnson, S. Dak.	Moore, Ill.	Smithwick	
Jones, Pa.	Morin	Snell	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Free with Mr. Lea of California.

Mr. Jones of Pennsylvania with Mr. Sabath.

Mr. Keller with Mr. Smithwick.

Mr. Brooks of Illinois with Mr. Barkley.

Mr. Dempsey with Mr. Bell.

Mr. Foster with Mr. Carew.

Mr. Lampert with Mr. Deal.

Mr. McArthur with Mr. Kincheloe.

Mr. Osborne with Mr. Kindred.

Mr. Kiess with Mr. Tague.

Mr. Porter with Mr. Taylor of Colorado.

Mr. Anthony with Mr. Rayburn.

Mr. Mills with Mr. Wilson.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13374, the Navy appropriation bill, with Mr. LONGWORTH in the chair.

The Clerk reported the title of the bill.

The Clerk read as follows:

NAVAL WAR COLLEGE, RHODE ISLAND.

For maintenance of the Naval War College on Coasters Harbor Island, including the maintenance, repair, and operation of one horse-drawn, passenger-carrying vehicle to be used only for official purposes; and care of ground for same, $81,250; services of a professor of international law, $2,000; services of civilian lecturers, rendered at the War College, $1,200; care and preservation of the library, including the purchase, binding, and repair of books of reference and periodicals, $5,000; in all, $89,450: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, and messenger service for the fiscal year ending June 30, 1924, shall not exceed $50,000.

Mr. CHINDBLOM. Mr. Chairman, in the colloquy day before yesterday on the appropriation of $250,000 for the maintenance of the Great Lakes Naval Training Station it was suggested that our late colleague, the greatly lamented the Hon. James R. Mann, had made an observation to the effect that naval authorities had held the Great Lakes Naval Training Station to be an unsuitable location for the training of recruits. I then stated that when this proposition was before the House and the committee a year ago, "Mr. Mann expressed his regret that, in his opinion, the proper activities were not maintained at Great Lakes," and I added that I was "sorry that Mr. Mann is not here to know to-day that the great Committee on Appropriations has made an ample appropriation for the performance of the activities at the Great Lakes for which that institution was established and on which the Government has spent $10,000,000."

By reference to the CONGRESSIONAL RECORD for April 14, 1922, page 6044, during the consideration of the appropriation for maintenance at Great Lakes for the fiscal year 1923, it will be found that Mr. Mann then made the following statement:

A few years ago the experts in the Navy Department insisted that Congress should provide for a training station on the Great Lakes at tremendous expense and, guided by the experts in the Navy Department, Congress made provision for a training station to be located on the Lakes, in the judgment of a commission to be appointed by the Secretary of the Navy, which commission promptly located the station in the district represented by the chairman of the Naval Committee.

And having appropriated great sums of money for the expense of the Great Lakes Training Station, located north of Chicago, and having largely depended upon the men who went through the Great Lakes Training Station during the war, the experts in the Navy Department now conclude that it is not necessary to have a training station on the Great Lakes at all, and under their advice this bill practically abolishes the training station, constructed not as a war measure but provided for long before the war on the advice of the experts.

After making some observations on the subject, I then offered an amendment to increase the appropriation for Great Lakes from $160,000 to $260,000. This amendment was lost in the Committee of the Whole House, but the appropriation was subsequently increased in the Senate to $200,000, and that amount remained in the bill as finally passed. In the hearings before the Senate committee last spring the representatives of the Navy Department agreed that the additional $40,000 would be required to maintain the station during the fiscal year 1923 for the purposes then planned, which included the maintenance of the so-called trade schools but no training of apprentice seamen. At that time it was intended to concentrate the training of recruits at the naval operating base at Hampton Roads, where some temporary buildings were erected during the war and were used for training purposes. For this reason the Navy Department recommended a reduction of the appropriation for Great Lakes of $240,000, namely, from $400,000 to $160,000, and a reduction of the appropriation for Hampton Roads of $15,000, namely, from $375,000 to $360,000.

I proposed to equalize the appropriation for Great Lakes and Hampton Roads by making each of them $260,000, but this effort failed. When the bill went to the Senate, however, the appropriation for Hampton Roads was reduced by $100,000 and this amount was added to the training station at Newport, R. I. It is to be noted that all of these preliminary estimates were based upon a Navy of 67,000 men and were recommended both by the Navy Department and the House committee before the House itself increased the Navy personnel to 86,000 men, its present number. This year the House Committee on Appropriations, as I stated on Thursday, "has made an ample appropriation for the performance of activities at Great Lakes," and the people of the great West, I am sure, will highly appreciate the attitude and action of the committee in this regard. During the last few months a "Committee to Save Great Lakes Naval Training Station," organized in Chicago, has sounded the sentiment throughout the Middle West and found not only a pronounced and aggressive interest in behalf of Great Lakes but as well enthusiastic support for an adequate Navy.

The distinguished chairman of the subcommittee [Mr. KELLEY of Michigan], as well as the gentleman from Idaho [Mr. FRENCH], a member of the subcommittee, on last Thursday presented strong arguments and compelling viewpoints with reference to the continued maintenance of the Great Lakes station for training purposes and showed great sympathy for the policy adopted by the Government when the Great Lakes station was established. It is fair to add, also, that in the recent hearings before the subcommittee Admiral Washington, speaking for the Navy Department, stated that while—

the Navy Department has not formally advocated the training of recruits there, * * * we would very much like to keep a modicum of them at that place even though it cost a little more.

Admiral Washington added that the training of recruits, as recommended by the commandant at Great Lakes, would "meet the public demand and, at the same time, be a great service to the Navy," and that "the general effect of it would be very beneficial to the people." Admiral Washington also conceded that there was a "good deal" of virtue in the argument favoring the location of a training station in a locality where the fathers and mothers and general public may visit the boys who are in training and see the institution where the training occurs.

The appropriation of $250,000 will make possible the training of 1,200 to 1,500 recruits in constant attendance, or about 7,000 to 8,000 during the entire year, in addition to the constant enrollment of approximately 500 men in the trade schools for training radio operators and aviation mechanics. The normal capacity of the station is from 1,800 to 2,400 naval recruits. During the World War this capacity was expanded to 42,500 men. Up to the end of this war a total of 191,552 enlisted men were trained at Great Lakes, not only as ordinary seamen for service in the Navy, but for all kinds of special services needed during the war. The total contribution of this station to our Navy force up to the present time has been over 200,000 men.

The Great Lakes station was originally selected upon the recommendation of a board of naval officers in response to a widespread sentiment and movement for the location of a naval establishment in the interior of the country. It now represents an investment of approximately $10,000,000 in land, permanent buildings, and equipment and has been in successful operation since July 1, 1911. The land was donated by public-spirited citizens in and about Chicago and the population of the surrounding territory has always given the institution its hearty and helpful support. It was desired then, and is desirable now, to maintain some bond of union between our great naval defenses and the constantly increasing population of the great inland States. Obviously, a training station is the only naval establishment that can be located in the interior of the country. Our naval recruits must have some training before being assigned to sea duty, and this training can as well be given on one of our great inland seas as upon our ocean coast lines.

Such an institution must not be permitted to deteriorate and lose its efficiency by inaction or nonuse. It is an integral part of our national defense and serves a necessary purpose, not only by reason of the results obtained through its activities but as well on account of its particular location and especial influence among the people. There should be no suggestion of the curtailment or abandonment of this important establishment so long as a Navy is needed for our national defense.

The Clerk read as follows:

Maintenance: For water rent, heating, and lighting; cemetery, burial expenses, and headstones; general care and improvements of grounds, buildings, walls, and fences; repairs to power-plant equipment, implements, tools, and furniture, and purchase of the same; music in chapel and entertainments for beneficiaries; stationery, books, and periodicals; transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants and necessary subsistence for both, to and from other Government hospitals; employment of such beneficiaries in and about the Naval Home as may be authorized by the Secretary of the Navy, on the recommendation of the governor; support of beneficiaries and all other contingent expenses, including the maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle, two motor-propelled vehicles, and one motor-propelled passenger-carrying vehicle, to be used only for official purposes, $104,690.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. This bill carries $293,806,538. The first appropriation bill that we passed in the House the other day, the Treasury appropriation bill, carried $115,112,310.37. In its consideration by the Senate there were numerous amendments added to the bill, and it was passed in less than three hours' time. When the Senate passed it with less than three hours' consideration it had added $425,880 in amendments to the bill. The next appropriation bill we passed was that of the Departments of State and Justice. That carried $33,185,051.50. The Senate passed the bill in exactly an hour and 30 minutes, yet added numerous amendments to it, and when it got through with it in this hour and 30 minutes' consideration the Senate had added $303,656.50. The next appropriation bill that we passed was that for the Departments of Commerce and Labor. That carried $26,079,101, and when it went to the Senate it was taken up yesterday and in exactly 30 minutes' consideration was passed. Numerous amendments were added during this 30 minutes' consideration in the Senate, which increased the amount over what had been allowed by the House to the extent of $267,000. Now the conference reports are being rushed through.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. McKENZIE. If they could add to the appropriations with that rapidity, is not the gentleman thankful that they did not take any more time? [Laughter.]

Mr. BLANTON. I am just calling attention to such working Members as our new friend from California [Mr. MACLAFERTY], who sits here on the floor, watchful to see if he can take care of the interests of the people. We must watch these conference reports when they come back. We must watch the action taken after the bills leave the House. It is not enough that we shall sit here and watch these various provisions as they come up in the Committee of the Whole, taking out of the people's Treasury hundreds of millions of dollars, but we must watch them when they leave here and when they come back, and must be prepared when these various matters are added without argument or consideration, to strike them out here in the House.

When a bill carrying appropriations of $26,000,000 is passed in 30 minutes it behooves us to watch them and be prepared to oppose them successfully. We can not merely accept the bill when it comes back and is sent to conference, but we must watch the conference report and scan that thoroughly. It is more important that they should be passed properly than that they should be passed hurriedly to get through the business of the Congress by January 15.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. Mr. Chairman, I rise in opposition to the pro forma amendment. Mr. Chairman, I just desire to have a few words about this four-power pact proposition and this proposition to ask for a further conference with the nations of the earth, and I desire to ask unanimous consent now to extend my remarks in the RECORD by printing an editorial in the Boston Evening Transcript of December 11 headed "No more four-power pacts," together with a brief comment on it by The State, Columbia, S. C.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none.

Mr. STEVENSON. Mr. Chairman, this is an exceedingly interesting discussion by an exceedingly able paper coming from the precincts of HENRY CABOT LODGE. I want to call attention to a few statements made in it before we come to a vote on this proposition.

They start out with the heading, "No more four-power pacts":

President Harding resorts to regrettable exaggeration when he alludes in his address to "the four-power pact" as an engagement "that abolishes every probability of war on the Pacific." If any probability of war on the Pacific existed it arose from the aggressive intentions of Japan. Certainly the United States was not itching for a conflict in that region. Certainly it was not the United States that refused to end the competition in capital-ship construction which the conference of Washington was called to consider. On the contrary, the proposal to end that competition and to limit naval armament by international agreement was proposed by Secretary Hughes at the first plenary session and was pressed upon Japan by the United States and the British delegates for the next 30 days. But without result. Why? Because the Japanese Government refused to consider the proposal seriously until the United States had agreed to surrender all of its naval bases in the Pacific except Honolulu. By the terms of this surrender we agreed to do what no other self-respecting first-class power had ever before been willing to do, namely, to surrender the right to fortify even the islands adjacent to its own home coast.

I call the attention of the distinguished gentleman from California [Mr. MACLAFFERTY], who was so concerned the other day about the protection of the Pacific coast, to the language there used.

Then this editorial goes on to say that it has not been lived up to and that the proposition to negotiate a similar treaty with reference to the Atlantic would be turned down and find a ready-made grave in the United States Senate, as this treaty should have found. I will print the whole editorial in the RECORD. It says as a parting shot:

This surrender was agreed to secretly. It was agreed to without the advice or consent either of the General Board of the Navy or the General Staff of the Army. The Committees on Naval Affairs of the two Houses of Congress were not consulted. The Senate was kept in almost complete ignorance of the negotiations until the surrender was finally made public in the form of article 19 of the five-power naval treaty.

The administration is not living up to the five-power treaty. The proof of its delinquency in this respect appears in the annual report of the Secretary of the Navy. As for the "four-power pact," it could not have been ratified, and it ought not to have been ratified if it had been known that the obligations that this Government undertook in the five-power treaty were not to be discharged in the best of good faith. To add to this deplorable record of delinquency by negotiating a "four-power pact" for the Atlantic would be adding insult to injury. Such an addition, as we believe, would exhaust the patience of the American people.

Now you will note that it does not come from any rock-ribbed Democratic minority journal, but from the Boston Transcript, which comes from the home of Senator HENRY CABOT LODGE, who is chairman of the Foreign Affairs Committee in the Senate, and if there is anything in the statement of this editorial, anything true in it, certainly we had better look out before we seek for any more of these conferences and any more of such treaties as that.

The CHAIRMAN. The time of the gentleman has expired.

The article from the State, Columbia, S. C., is as follows:

UNPALATABLE FACTS.

In all the riot of criticism and objurgation hurled at President Harding and his administration by members of his own political party, amid the "boring from within," while the progressives of the West bombarded and the heirs of the "Roosevelt tradition" of the East raised barbed wire entanglements, one had believed that at least "one achievement" of himself and "the best minds" was looked upon as altogether righteous and expedient—the disarmament conference and its "four-power pact." Alas, it is not so!

Hear this from the Transcript, of Boston, the voice most refined of orthodox republicanism:

"President Harding resorts to regrettable exaggeration when he alludes in his annual address to 'the four-power pact' as an engagement 'that abolishes every probability of war on the Pacific.' If any probability of war on the Pacific existed it arose from the aggressive intentions of Japan. Certainly the United States was not itching for a conflict in that region. Certainly it was not the United States that refused to end the competition in capital-ship construction which the conference of Washington was called to consider. On the contrary, the proposal to end that competition and to limit naval armament by international agreement was proposed by Secretary Hughes at the first plenary session and was pressed upon Japan by the United States and the British delegates for the next 30 days. But without result. Why? Because the Japanese Government refused to consider the proposal seriously until the United States had agreed to surrender all of its naval bases in the Pacific except Honolulu. By the terms of this surrender we agreed to do what no other self-respecting, first-class power had ever before been willing to do, namely, to surrender the right to fortify even the islands adjacent to its own home coast. This surrender was agreed to secretly. It was agreed to without the advice or consent either of the General Board of the Navy or the General Staff of the Army. The Committees on Naval Affairs of the two House of Congress were not consulted. The Senate was kept in almost complete ignorance of the negotiations until the surrender was finally made public in the form of article 19 of the five-power naval treaty."

So what the United States got in the "pact" was obtained by "surrender" which, if not base, was not far from pusillanimous: And it was engineered under a bushel, besides. This, mark, is not a Democratic accusation. It proceeds from one of the most reputable of the Republican newspapers, from the home of Senator LODGE, from a supporter of Senator LODGE, loyal to the point of enthusiastic adulation of him and of all his works.

The President in his latest message alludes, with a solemn air of mystery, to the four-power pact "as a model for like assurance wherever in the world any common interests are concerned" and Republicans, ashamed that their country has run away from its obligations to the distracted world, have been snatching at it as a hopeful path by which to return the Republic to respectable company without pronouncing the name of the League of Nations and the treaty of Versailles. But the Transcript says that the suggestion is "surprising." "If any such treaty (the four-power pact) is ever again negotiated by this or any subsequent administration with any group of European powers we hope and believe that it will only have to reach the Senate to find a diplomatic graveyard from which it will never be resurrected." Well, Colonel Watterson used to say:

"Things have come to a h—l of a pass,
When a man can't wallop his own jackass."

And the Transcript perhaps feels that it is indulging its family privileges. But where shall the punishment stop? Somewhere a point will be arrived at where the "best-mind administration" can not endure incessant enfilading, where, shot to pieces, it will lose heart as well as head. If the four-power pact was an "evil thing" accomplished clandestinely, "put over" on an unsuspecting Republican statesmanship, what assets will be left when the administration passes into the hands of a receiver? Have Mr. Harding and Secretary Hughes magnified the "yellow peril" by "surrendering" to it? It is in the face of what it calls "unpalatable facts" that the Transcript draws its bead and fires its conclusions.

The article from the Boston Transcript is as follows:

NO MORE "FOUR-POWER PACTS."

President Harding resorts to regrettable exaggeration when he alludes in his annual address to "the four-power pact" as an engagement "that abolishes every probability of war on the Pacific." If any probability of war on the Pacific existed, it arose from the aggressive intentions of Japan. Certainly the United States was not itching for a conflict in that region. Certainly it was not the United States that refused to end the competition in capital-ship construction which the conference at Washington was called to consider. On the contrary, the proposal to end that competition and to limit naval armament by international agreement was proposed by Secretary Hughes at the first plenary session and was pressed upon Japan by the United States and the British delegates for the next 30 days. But without result. Why? Because the Japanese Government refused to consider the proposal seriously until the United States had agreed to surrender all of its naval bases in the Pacific except Honolulu. By the terms of this surrender we agreed to do what no other self-respecting first-class power had ever before been willing to do, namely, to surrender the right to fortify even the islands adjacent to its own home coast. This surrender was agreed to secretly. It was agreed to without the advice or consent either of the General Board of the Navy or the General Staff of the Army. The Committees on Naval Affairs of the two Houses of Congress were not consulted. The Senate was kept in almost complete ignorance of the negotiations until the surrender was finally made public in the form of article 19 of the five-power naval treaty.

When the "four-power pact" was negotiated it was assumed that before the conference adjourned an agreement would be reached limiting naval armament in line with the United States' proposal. It was upon this understanding and without any knowledge of the terms of article 19 of the naval treaty that a favorable public opinion in this country was evoked by the publication of the terms of the four-power treaty. It is doubtful whether the four-power treaty would have ever been approved by any considerable body of public opinion, much less ratified by the Senate, if the American people had been thoroughly informed of the unprecedented political surrender of national interests involved in article 19 of the five-power treaty. The Senate was not told during the debate of the very serious opposition in the Navy to this surrender. Ever since the four-power treaty was ratified public opinion has been increasing against it. And to-day the failure of the United States to live up to the spirit of the five-power treaty has so discredited the treaties of Washington in the eyes of the people of the United States and in the eyes of the world that France and Italy have thus far refused to ratify them.

In the face of these unpalatable facts it is surprising that President Harding should refer to the "four-power pact" as a "model for like assurance wherever in the world any common interests are concerned." If any such treaty is ever again negotiated by this or any subsequent administration with any group of European powers, we hope and believe that it will only have to reach the Senate to find a diplomatic graveyard from which it will never be resurrected. Certainly the administration that clutters up the calendar of the Senate with any such treaty during the next two years will be riding for a fall.

Friendship with all nations of good will, safeguarded by treaties of amity and commerce, but entangling alliances with none, is America's traditional policy in foreign affairs. To live up to the spirit no less than to the letter of every treaty negotiated is also traditional American foreign policy. The administration is not living up to the five-power treaty. The proof of its delinquency in this respect appears in the annual report of the Secretary of the Navy. As for the "four-power pact" it could not have been ratified and it ought not to have been ratified if it had been known that the obligations that this Government undertook in the five-power treaty were not to be discharged in the best of good faith. To add to this deplorable record of delinquency by negotiating a "four-power pact" for the Atlantic would be adding insult to injury. Such an addition, as we believe, would exhaust the patience of the American people.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

PAY OF THE NAVY.

For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders—pay, $26,029,247, rental allowance, $6,071,049, subsistence allowance, $3,327,593; in all, $35,427,889; officers on the retired list, $3,752,510; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, $20,000; pay of enlisted men on the retired list, $1,162,089; extra pay to men reenlisting under honorable discharge, $1,839,525; interest on deposits by men, $10,000; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineer's force and men detailed for duty with the Fish Commission, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, $70,617,419; pay of enlisted men undergoing sentence of court-martial, $549,120; and as many machinists as the President may from time to time deem necessary to appoint; and apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, $1,512,000; pay and allowances of the Nurse Corps, including assistant superintendents, directors, and assistant directors—pay, $637,720, rental allowance, $28,800, subsistence allowance, $22,140; in all, $688,660; rent of quarters for members of the Nurse Corps, $7,680; retainer pay and active-service pay of members of the Naval Reserve Force class 1 (Fleet Naval Reserve) $5,700,000; reimbursement for losses of property under act of October 6, 1917, $10,000; payment of six months' death gratuity, $150,000; in all, $121,446,892; and the money herein specifically appropriated for "Pay of the Navy," shall be disbursed and accounted for in accordance with existing law as "Pay of the Navy," and for that purpose shall constitute one fund: *Provided*, That additional commissioned, warranted, appointed, enlisted, and civilian personnel of the medical department of the Navy, required for the care of patients of the United States Veterans' Bureau in naval hospitals, may be employed in addition to the numbers appropriated for in this act: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipman whose admission, subsequent to the class entering the Naval Academy next after the approval of this act, would result in exceeding at any time an allowance of three midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipman for Porto Rico, a native of the island, appointed on nomination of the governor, and of one midshipman from Porto Rico, appointed on nomination of the Resident Commissioner; and of two midshipmen for the District of Columbia: *Provided further*, That nothing herein shall be construed to repeal or modify in any way existing laws relative to the appointment of midshipmen at large or from the enlisted personnel of the naval service.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph.

Mr. BRITTEN. Mr. Chairman, I reserve a point of order on the proviso in the paragraph, and I am wondering if the chairman of the Committee on Appropriations intends to tell the House something about this particular part of the bill?

Mr. BLANTON. If the point of order is made on the paragraph and is sustained, it would take out the proviso.

Mr. BRITTEN. I am not so sure that under the phraseology of the proviso it might be held in order under the Holman rule.

Mr. BLANTON. Under the rules of the House if there is any part of this paragraph subject to a point of order upon the insistence by the one making the point of order the whole paragraph will go out. I am making the point of order against the whole paragraph for the present to get a ruling of the Chair, because of its containing matter unauthorized by law.

Mr. KELLEY of Michigan. What is the point of order?

Mr. BLANTON. I make the point of order that this paragraph contains legislation on an appropriation bill that is unauthorized by law, in that it increases the amount of the appropriation allowed this Bureau of Supplies and Accounts beyond the maximum authorized by law. This is a matter that has been up here before for several years. This Bureau of Supplies and Accounts has been trying to increase this appropriation, but points of order made against it have been sustained by the Chair.

Mr. KELLEY of Michigan. Mr. Chairman, the amount carried in this paragraph is based entirely upon existing law. It is a matter entirely of mathematical calculation. There is no new legislation in it.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLEY of Michigan. Of course the sums will vary from year to year, depending upon the number of men and officers in the various classes and ratings at a particular time. But the rate of pay is all prescribed by law, and we are only carrying the necessary sums of money to meet the pay roll.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. BLANTON. Is there any authorization of law which now permits a land Navy of 30,000 men?

Mr. KELLEY of Michigan. Yes. The distribution of the personnel is entirely in the discretion of the Secretary of the Navy. He has authority under the law to assign men to ships or shore as he sees fit.

Mr. BLANTON. I will ask the gentleman if the provision on line 10, of page 27, for $35,437,889 is not an increase over the maximum provision authorized by the present law?

Mr. KELLEY of Michigan. No. The amount carried in the bill is based entirely upon the law fixing the pay and allowances of officers and men. It is purely a mathematical calculation.

Mr. MADDEN. I am sure the Chair remembers the matter. It has been up here before. I just merely suggest the question to the Chair.

Mr. KELLEY of Michigan. The pay of the officers of the Navy, amounting to $35,000,000, is based upon the statute passed recently by Congress, the legislation having been brought in by a special committee, of which the gentleman from Illinois [Mr. MCKENZIE] was the chairman, and all the other figures of the paragraph are based upon statutory provisions.

The CHAIRMAN. The Chair is unable to see any force in the argument of the gentleman from Texas. As long as there is no substantive legislation contained in the paragraph, the paragraph is in order.

Mr. BRITTEN. Mr. Chairman, I reserve a point of order against the proviso beginning on line 24 of page 28 and extending over to line 12 on page 29. If the gentleman will permit, I would like to say just a word or two in connection with this proviso.

Mr. Chairman, this proviso brings forth another evidence of the autocratic powers of the Committee on Appropriations, usurped unto themselves, without warrant, and promoting that committee to be the sole appropriating and legislative committee of the House. It is just a matter of time before every other committee in the House might just as well be wiped out of existence entirely.

Here is a question of policy in the Navy Department as to the number of men to be appointed to the Naval Academy by Members of Congress. The act of July 11, 1919, provided that each Member of the House shall be entitled to appoint five midshipmen to the Naval Academy. This proviso, worded in an ingenious manner in order to come within the Holman rule and not be subject to a point of order, reduces that number to three and reduces the number of appointments for the District of Columbia from five to two.

Now, certainly, under the rules of the House, legislation of that character belongs to the Committee on Naval Affairs. I do not think there is any question about that. I have gone into the hearings very thoroughly, and I find that the Committee on Appropriations wasted as much as six or seven minutes on this important change of existing law. They heard Admiral Washington. The substance of Admiral Washington's opinion was that the Naval Academy should be maintained at its present status; in other words, five midshipmen should be appointed by each Member of Congress. A reduction to three appointments will easily maintain 4,500 line officers, according to the testimony, or, at least, according to the language of the chairman of the committee; it will more than care for the 4,500 commissioned personnel in the line, such as we have there now. But is it going to give us a proper flow of commissioned force in the Navy?

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BRIGGS. I understood the gentleman to say 4,500 per annum.

Mr. BRITTEN. No. I mean that there are approximately 4,500 commissioned men in the line to-day, or, speaking more exactly, 4,382. There are authorized by law 5,499, which figure no one contends should be made effective. But those of us who are interested in the Navy—and we all are, of course—feel that by graduating a surplusage over the actual requirements of the Navy we can get better men and we can more easily get rid of those in the line who are not filling their places to their best advantage or to the best interests of the service.

Now supposing, as the gentleman from Michigan [Mr. KELLEY] contends, that 4,500 officers in the line is sufficient, and we can accommodate that number by allowing the appointment of three to the academy by each Member of the House and Senate, and so forth, as contemplated in the proviso, what condition are we going to find ourselves in in the event of an emergency? We shall have enough officers to man the ships in active service and to man the shore stations, but we can not spread as we would like to. We ought to train men in the Naval Academy for the merchant marine, if need be, and for the Marine Corps, and for the staff corps of the Navy, and not depend on getting these men out of private life, as we are doing now. That can not be done if we reduce the number of appointments to the academy from five to three, as proposed in this bill.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. NEWTON of Minnesota. Has the gentleman considered the possibility of using this surplus of graduates from the academy in building up a naval officers' reserve corps, which would seem to me to be very feasible and helpful in the case of an emergency?

Mr. BRITTEN. That is just another way of using the surplusage which may come from the Naval Academy through this excess number to be appointed. We are carrying the overhead there with a great institution and the training force. Why not allow these men to come out of that school?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. McKENZIE. I would like to ask my colleague, who is a distinguished member of the Committee on Naval Affairs and has been for some time, and has always expressed his interest in the Navy, if he does not think it would be well and appropriate for the Committee on Naval Affairs to take up the whole matter of the reorganization of the Navy, not only of the academy at Annapolis, but the matter of the commissioned personnel of the Navy, the matter of retirement, the matter of retainer pay, and a number of other things that have been pieced on to the naval legislation of this country, so that it is difficult for an able seaman like my colleague to understand what the law is covering the Navy? I will ask him if we can have any hopes held out to us of something being done along the same line as has been done in regard to the reorganization of the Army?

Mr. BRITTEN. Oh, yes. I think the suggestion of my colleague from Illinois is a very good one. A reorganization of that kind might very reasonably be considered by the Committee on Naval Affairs. But with this constant usurpation of power by the Committee on Appropriations there is no incentive for these other committees to do any work at all. Bills are repeatedly brought in here by the Committee on Appropriations with such legislation as was made in order this morning by rule; legislation that properly belongs to the Committee on Foreign Affairs. They will do the same thing with respect to the Army bill, and with respect to the rivers and harbors bill. They will do it with every bill that is brought in here, unless the House objects.

Mr. SEARS. Mr. Chairman, I make the point of order that there is no quorum present. I tried to get the attention of the Chair several times on a parliamentary inquiry, and the Chair was looking right at me. I make the point of order that there is no quorum present.

Mr. STAFFORD. The gentleman can not take a Member off his feet by a parliamentary inquiry without his consent.

The CHAIRMAN. The Chair will state to the gentleman from Florida that he can not take a Member off the floor in that way.

Mr. SEARS. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman has that right and the Chair will count. [After counting.] One hundred and five Members present, a quorum. Does the gentleman from Illinois [Mr. BRITTEN] make a point of order?

Mr. BRITTEN. I have not concluded my remarks.

The CHAIRMAN. The gentleman has three minutes remaining.

Mr. BRITTEN. Mr. Chairman, I think it is up to the Members of the House to call the attention of the House from time to time to these usurpations of power by the Committee on Appropriations.

Mr. LINEBERGER. Will the gentleman yield right there?

Mr. BRITTEN. Yes, I do.

Mr. LINEBERGER. Does not the gentleman consider that one of the best examples of the usurpation of the powers of the other committees of the House and the autocracy of the subcommittees of the Committee on Appropriations was the case which we had this morning in the adoption of this rule making in order legislation affecting the limitation of armament on a naval appropriation bill when it ought to have come out of the Committee on Foreign Affairs?

Mr. BRITTEN. The matter of calling an international conference is apparently of little importance to the Committee on Appropriations. The Committee on Foreign Affairs should not be in existence. The Committee on Appropriations should conduct the business of the Committee on Foreign Affairs. The Committee on Naval Affairs need not be in existence. The Committee on Appropriations can take care of everything applying to the Navy, in an indirect manner, if not in a direct manner. Of course, I do not think this proviso is subject to a point of order, because it has been adroitly worded in order to come within the Holman rule, but its positive effect is to reduce the number of appointments to the Naval Academy by Members of the House.

Mr. BLANTON. Will the distinguished gentleman from Illinois yield?

Mr. BRITTEN. Yes; I yield.

Mr. BLANTON. As long as the Committee on Appropriations have with them the chairman of the Rules Committee they can do anything they please.

Mr. BRITTEN. There is no question about that.

Mr. McKENZIE. Just so long as the membership of this House stand back of the Committee on Appropriations, as they did this morning, we are not in a position to make any very great complaint, are we?

Mr. BRITTEN. The gentleman is entirely right. It is because of the feeling in the House that we wanted to give this new rule for procedure a trial under the leadership of that great and distinguished leader, MARTIN B. MADDEN, who is a real leader of men. [Applause.] I am for him for anything he wants in this House. [Applause.] But if the Committee on Appropriations is going to continue to usurp the powers of other committees from time to time and take action on matters of policy as important as this one to-day, and do so after a hearing of four or five minutes, I think it is time that the House should assert itself and change the rule.

Now, Mr. Chairman, I make the point of order——

Mr. DOWELL. The gentleman has said this is not subject to a point of order.

Mr. BRITTEN. I am just about to make my point of order.

Mr. DOWELL. The gentleman said it was not subject to a point of order.

Mr. BRITTEN. I make the point of order against the proviso.

Mr. SANDERS of Indiana. I make the point of order——

Mr. LINEBERGER. Regular order.

Mr. SANDERS of Indiana. This is the regular order. I am making the point of order that this paragraph is no longer subject to a point of order for the reason that the Chair overruled a point of order directed to the whole paragraph.

Mr. BRITTEN. No; but there was a reservation pending.

Mr. SANDERS of Indiana. That does not make any difference. The greater includes the less, and when a point of order against the whole paragraph is overruled that disposes of a point of order reserved or made to any part of the paragraph. That has been frequently held. I am not able to cite the Chair to the precise decision just at this moment, but the reason for that is an obvious one. If a point of order is made to the whole paragraph and any part of the paragraph is subject to the point of order, then the point of order must be sustained to the whole paragraph. Of course, a gentleman may choose to make the point of order to a part of the paragraph, and then that is the only thing that is involved; but if some other gentleman makes it to the whole paragraph that disposes of the paragraph as a whole and of every part of it.

Mr. DOWELL. The gentleman said this was not subject to a point of order and the Chair has already ruled that the paragraph is in order.

The CHAIRMAN. The Chair is in some doubt, but thinks that in view of the fact that the gentleman reserved a point of order to the particular proviso and the gentleman from Texas made a point of order directed at the entire paragraph on entirely different grounds, the gentleman from Illinois would still have the right to make a point of order to a special proviso of the paragraph.

Mr. BRITTEN. Then, Mr. Chairman, I make a point of order against the proviso at the bottom of page 28, because it changes existing law; and even though it may do so with a view of coming within the Holman rule, it does so under a subterfuge and it should not be permitted in the bill. I maintain it is subject to a point of order.

Mr. KELLEY of Michigan. Mr. Chairman, the purpose of the proviso is to reduce the number of appointments for each Member of the House and Senate and each Delegate from five to three. The obvious effect of that is to reduce the number of officers of the United States, because the midshipmen in the Naval Academy have been held by the courts and the disbursing officers of the Government to be officers of the United States. Therefore, it comes squarely within the Holman rule. While it is legislation, it is proper legislation on an appropriation bill, reducing the number of officers, and thereby bringing about an obvious retrenchment in the expenditures of the Government.

The CHAIRMAN. The Chair is ready to rule. Even if the Chair was not called upon to consider the question of the applicability of the Holman rule, if there were any doubt on the face of it that it reduced expenditures, the Chair is inclined to think this is distinctly a limitation of an appropriation. The present occupant of the chair has ruled a number of times that where an appropriation was within the law it was within the power of the committee to limit that appropriation as to the precise direction in which it should be expended. This is unquestionably a limitation of an appropriation, and the Chair thinks that both on that ground and probably also on the ground stated by the gentleman from Michigan [Mr. KELLEY] it is in order; and the Chair overrules the point of order.

Mr. KELLEY of Michigan. I want to say a word in reply to what has been said by the gentleman from Illinois [Mr. BRITTEN]. I think what the gentleman has said in the main is accepted and approved by the Committee on Appropriations, that general matters of legislation should come from the proper legislative committee. In this particular instance I am quite sure that we have not at least violated the spirit of that policy. There is now, I think, on the calendar of the House a bill reported from the Naval Affairs Committee, of which the distinguished gentleman from Illinois [Mr. BRITTEN] is an influential member, effecting this very same legislation—reducing the number of appointments to the Naval Academy from five to three. The number of that bill is H. R. 11002. Under the circumstances the Committee on Appropriations felt that we were but carrying out the official purpose of the Committee on Naval Affairs, and while the legislation recommended has not been acted upon, we have at least not done great violence to the gentleman's committee. [Laughter.]

Mr. BRITTEN. I realize that the gentleman desires to be entirely fair at all times, and he always is. My objection to this proviso is the mere policy of taking legislation away from the Committee on Naval Affairs, where it belongs, and putting it in a bill coming from the Committee on Appropriations.

Mr. KELLEY of Michigan. Then the gentleman's objection is not to the action of the committee but the policy?

Mr. BRITTEN. I have made no objection to the proposed action.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BYRNES of South Carolina. Am I not correct in understanding that this was asked for by a member of the Naval Affairs Committee and did not come as a suggestion from the Appropriations Committee at all?

Mr. BRITTEN. Not to my knowledge.

Mr. BYRNES of South Carolina. I do not know except that a member of the Naval Affairs Committee was anxious to have it made in order and carried on this bill.

Mr. BRITTEN. In order to apparently preserve the rights of the Committee on Naval Affairs. In other words, your committee is taking away from the Committee on Naval Affairs every right to existence.

Mr. BYRNES of South Carolina. It was the determination of the Committee on Appropriations that it would not include anything of a legislative nature in the bill—anything that was taking away the rights of the legislative committee, and I am satisfied that this would not have been included except that the gentleman from New York asked for it.

Mr. BRITTEN. Did any representative of a legislative committee come before you and request the calling of that naval conference?

Mr. BYRNES of South Carolina. I am speaking of the resolution introduced by the gentleman from New York [Mr. HICKS]. As far as the conference was concerned, there was none.

Mr. BRITTEN. But the committee did take up that legislation and put it in the bill.

Mr. BYRNES of South Carolina. That is absolutely true, and this morning the House made it in order.

Mr. OLIVER. I think the House by its previous action has indorsed it, because the other resolution for a conference was carried in an appropriation bill.

Mr. BRITTEN. The other one went through the Committee on Foreign Affairs.

Mr. OLIVER. The Hensley resolution or amendment was carried in a naval bill.

Mr. BRITTEN. There was no appropriation committee of this character in existence at that time.

Mr. MOORE of Virginia. Does not the gentleman think when a thing of this sort is done by the House and it is for the interest of the country that no committee which is a mere agency of the House is injured or has any right to complain?

Mr. BRITTEN. I do not think so, otherwise you do not need separate committees. You might just as well put the House in Committee of the Whole House on the state of the Union and let it be a standing committee and wipe out all the other small committees or so-called agencies.

Mr. MOORE of Virginia. I think it has developed this morning that there is a vast amount of business under the jurisdiction of the Naval Committee outside of the matter of appropriations.

Mr. BRITTEN. There will not be when this Appropriations Committee gets through.

Mr. HULL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 28, line 1, strike out "$70,617,419" and insert "$62,697,419."

On page 28, line 15, strike out "$121,446,892" and insert "$113,526,892."

Mr. HULL. Mr. Chairman, these figures are figures which will be for the enlisted personnel of the 75,000 men in place of 86,000 which the committee has provided for. There is another amendment if you adopt this that it will be necessary to make to carry out the change from 87,000 enlisted men to 75,000. If you pass these two amendments you will save to the Government $9,308,970, and by so doing you will not make it necessary to take any man off from any ship now in the Navy.

Mr. TILSON. Will the gentleman yield?

Mr. HULL. No; not now. I have only five minutes, but when I get through I will be glad to yield to the gentleman from Connecticut. I want to make a statement, and I want to show that the committee that is in charge of this bill a year ago wanted a Navy of 67,000 men. If they were right then, and I think they were, they are absolutely wrong to-day. They prove it by their own figures in their own report made to the House in this bill, written within the last 10 days, and in my opinion they were right. I want to quote from their own report on page 4, paragraph 3, where they say:

In passing, it may be remarked that on September 30, 1922, although the House voted 19,000 more men than the committee proposed, there were but 52,538 men with the fleet, or but 2,538 more than the committee had proposed; there were 10,643 men specifically assigned to shore billets, or but 678 more than the committee had proposed. The remainder, out of a total of 86,935 men, or 23,754, are accounted for as follows:

Prisoners	760
Hospital patients	1,841
Recruits	6,935
In transit	3,301
Shore-based submarine tenders	2,116
Naval district craft	1,367
General detail	2,383
Decommissioning vessels	3,889
Miscellaneous	1,162
Total	23,754

It was the committee's belief that whatever slack there was existed in the foregoing list, and that holds true to-day.

If that is true, and you are voting to pay a Navy of 86,000 men to-day, you are practically voting to pay for over 30,000 men on land; and I say to you that it is absolutely unnecessary for the Navy to have an army of 30,000 men on shore. [Applause.] If these gentlemen will read their own remarks made in this House one year ago, they will find that they themselves told you that it was not necessary to have over 15,000 men on shore, and yet they are providing in this bill for over 30,000 and you are voting $9,308,970 of the people's money away to pay for an army on shore with which to run the Navy.

Mr. McKENZIE. Will the gentleman yield now?

Mr. HULL. I promised to yield to the gentleman from Connecticut [Mr. TILSON], but I yield to the gentleman from Illinois.

Mr. McKENZIE. If the gentleman's statement is correct, there are possibly thirty thousand and odd men in the Navy now on shore.

Mr. HULL. Practically so.

Mr. McKENZIE. Does the gentleman from Iowa know how many enlisted men there are in the Navy at the present time?

Mr. HULL. Yes; there were 86,935 September 30, 1922.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HULL. I yield first to the gentleman from Connecticut.

Mr. TILSON. I wish to ask the gentleman how carefully he has figured how much injury such a proposition would do to our Navy. He has so carefully figured the amount of money saved as $9,000,000 that it seems to me, as it was presented to us a year ago, he would do more than $9,000,000 worth of injury to the Navy, and I think this Congress and the people of the country thought so.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HULL. Mr. Chairman, I ask unanimous consent for five minutes more to answer that question.

Mr. TILSON. Oh, it will take more than that.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HULL. No; it will not take more than that. I will answer the gentleman's question in two minutes. I have thought seriously about this proposition for the last two days, and I have talked with men well posted on the matter, and all, with the exception of one, have told me it would not injure the Navy one iota; and I do not believe it will, else I would not have offered the amendment.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HULL. Yes.

Mr. BLANTON. I heartily agree with the gentleman's amendment. I want to ask if it is not a fact that many reserves, of these 34,000 land naval forces, drawing salary from the Government, are not engaged in private businesses over the United States?

Mr. HULL. I do not know anything about that. The gentleman from Texas is better informed about that.

Mr. BLANTON. In the insurance business, in the loan business, and in the real estate business.

Mr. HULL. Mr. Chairman, I would not offer this amendment to-day if I thought it would hurt the Navy at all, but it will not hurt the Navy. The situation has not changed at all from last year. They do not need 30,000 men on shore, and when you have not money to provide for the school system in the city of Washington for your school children, you better look out how you provide $9,308,970 more than the Navy needs.

Mr. J. M. NELSON. Mr. Chairman, will the gentleman yield?

Mr. HULL. Yes.

Mr. J. M. NELSON. The gentleman has made an interesting statement. Can he designate approximately the men who are idle or useless or tell us what they are doing. Thirty thousand men on land is a surprising number for a Navy.

Mr. HULL. There are 10,643 men assigned to shore billets. I presume that most of these men ought to be assigned to shore billets. You have to have some slack, but here further is what the committee says, and they could not change the items. They have prisoners, hospital patients, recruits, those in transit, shore-base submarine tenders, naval district craft, general detail, decommissioning vessels, and miscellaneous. All those total 23,754 men, to be added to the 10,643 men in shore billets. And then they conclude their own statement in their report:

> It was the committee's belief that whatever slack there was existed in the foregoing list, and that holds true to-day.

Yet you are asked to vote $9,308,970 for a sentimental idea on the part of the committee, that because they were outvoted a year ago that they should not be expected to stand firm for what they believe to be right, but should vote the people's money away, because if they did stand firm they might be defeated.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Iowa. I am surprised at the gentleman from Iowa. The House will recall that after debate of some days with reference to the strength of the Navy, something like eight or nine months ago, after a great deal of information had been given on both sides in reference to the proposition, the House by a decisive vote determined upon a Navy of 86,000 men. We won that fight without the assistance of our good friend the gentleman from Michigan [Mr. KELLEY]. We now have him converted. I am surprised that the gentleman from Iowa, after we have been reinforced with the ability and grace of the gentleman from Michigan, should attempt to cut down the personnel of the Navy.

Be that as it may, the gentleman from Iowa has stated that we have a Navy force of something like 30,000 men on land. The gentleman is not wholly accurate in that statement. In the first place, I think we may divide the Navy into three forces—the operating fleet, those upon strictly shore duty, and miscellaneous. At the present time there is in what is known as the fleet something like 52,538 men. To this there should be added the men who are not properly credited to any shore force. In order to make up his 30,000, the gentleman has to add to the shore force, for example, all of the prisoners and all of those confined to hospitals. They are not engaged in shore duties. I submit it is not a fair statement to the House that in order to run a fleet of something like 52,000 men we have to have "an army on shore" of 30,000 men.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. I can not yield now.

Mr. HULL. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. In a moment. The gentleman has the recruits, amounting to 6,905, included in the 30,000, and certainly a considerable portion of those should be subject to training every month.

Mr. ROGERS. And that includes those that are in trade schools also.

Mr. NEWTON of Minnesota. The gentleman is correct. Then there are those in transit. It happens that on the 30th of September of this year, when the figures in transit—3,301—were given, there were something like 1,771 on board a naval transport going over to the fleet in the Pacific, chargeable to that fleet, and yet the gentleman says these men are shore sailors. He includes them in his estimate of 30,000 men.

I submit its unfairness. Then ship base submarine tenders. We have submarine tenders. The men who man them are on the water, but because of inadequate facilities they must necessarily be located very close to stations and at the suggestion of the gentleman from Michigan a year ago those were taken off from the seagoing force and credited up to either miscellaneous or shore, but they certainly are not properly credited to shore billets. They belong to the sea force and properly so. Now you have the decommissioning of vessels. Almost 4,000 men are now engaged in decommissioning vessels, placed there because of the attitude of the Committee on Appropriations and at their suggestion. Now those men are at sea at work upon vessels. Surely it is not fair to credit them to the shore force. They belong to the Navy and are a part of the sea force. They ought to be kept there, and they must be kept there until these vessels have been decommissioned.

Mr. HULL. The gentleman questions my statement. I read the report of the committee, and I submit there were some of these men in prison and some in hospitals. That is all you have said, and the number is given on page 4.

Mr. NEWTON of Minnesota. Yes.

Mr. HULL. I will admit that if we cut the Navy down 11,000 men they will simply have to do a little better figuring down here as to where they keep these men. We have cut the Army down and we ought to cut this down and make them do better figuring.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Minnesota. I want to say to the gentleman from Iowa that while he read those figures he was very careful to emphasize the fact that there was a Navy with something over 50,000 men at sea and "an Army of 30,000 men on land." It was not an accurate statement according to the information presented to this House by this committee.

Mr. ROGERS. May I interrupt the gentleman's remarks long enough to read this clause from the report of the Committee on Appropriations?

Mr. NEWTON of Minnesota. I will be glad to have the gentleman do so.

Mr. ROGERS. The committee's report says:

> Nothing has arisen during the two intervening months since last April that would warrant the committee in proposing a smaller number than the House so recently expressed itself as favoring.

As the gentleman has said, this whole question was gone into as recently as last April, and nothing has happened since, as the chairman of the subcommittee so well says, to warrant a reversal of our action.

Mr. NEWTON of Minnesota. The gentleman talks about saving $9,000,000. If we only want to save money, why not adjourn and appropriate nothing for anything or anybody?

Mr. J. M. NELSON. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. J. M. NELSON. I am very much interested in the gentleman's statement; but the gentleman failed to give the information wanted. The gentleman says there are 30,000 on shore. The number accounted for was 20,000, and finally accounted for and useless, 10,000 or 11,000 and——

Mr. NEWTON of Minnesota. The gentleman and myself disagree as to "useless." I said nothing about 10,000 useless men. The gentleman from Iowa made that statement.

Mr. J. M. NELSON. The gentleman has accounted for a few——

Mr. NEWTON of Minnesota. The gentleman from Wisconsin can not expect me in the course of 5 or 10 minutes to detail to the House all the duties and all the service of eighty-six odd thousand men in our Navy. I am prepared to take the word of the Naval Affairs Committee, the men who participated in the debate a year ago, reinforced to-day as they are by the members of the Committee on Appropriations.

Mr. J. M. NELSON. The gentleman says 30,000, and concedes 20,000 as serving a useful purpose. He does not controvert that. Now, there must be 5,000 or 10,000——

Mr. NEWTON of Minnesota. The gentleman from Minnesota controverts any idea that there are any considerable number of useless men in the Navy.

Mr. KNUTSON. The gentleman from Wisconsin is making a mistake in assuming that the gentleman from Iowa is correct. [Laughter.]

Mr. NEWTON of Minnesota. I now yield to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. I desire to ask for information just how many men are engaged on shore duty after subtracting the ones mentioned?

Mr. NEWTON of Minnesota. In strictly shore duty there are 10,643 men assigned to what are known as shore billets.

Mr. JONES of Texas. The major portion of those are met by the items mentioned?

Mr. NEWTON of Minnesota. Yes; as I read to the House.

Mr. HICKS. I desire to say, because I think we are possibly laboring under some misapprehension, that whenever shore duty of these men of the Navy is mentioned we think of them instinctively as sailors. Now, as a matter of fact, of this number on shore 2,233 are men who are engaged at air stations which perforce must be on land. There are 2,233 who are technically sailors who must be stationed on shore duty, doing work at air stations.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TINCHER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. TINCHER. Mr. Chairman, I do not think that the membership has forgotten what the debate was about concerning the Navy a few months ago, and I am inclined to side with the committee. I do not think anything has transpired to warrant the committee in trying to reduce the Navy. [Applause.] However, the debate a few months ago was on this question, and the loyalty of some of us was questioned by some of our very loyal and distinguished brethren because we were willing to follow the committee, who said that so many men could man the treaty Navy.

Mr. McARTHUR. How many men?

Mr. TINCHER. The committee said 52,000, and the proponents of a big navy stated it would take nearly 60,000. I am giving you the round figures. I am not a member of the committee, and I do not remember the exact number—65,000, I think it was.

The gentleman from Michigan [Mr. KELLEY] stood on this floor and said that his inquiry had prompted him to state that they would put the men on the boats and would not man the Navy in the way that we thought, if we gave them the men. I have followed these reports and I follow the committee this time.

The gentleman from Michigan is leaving Congress. He will not be a Member of the next Congress. But the fact will remain that he was right, and they are not using the men on the boats, but have them on shore. [Applause.] And he is warranted in saying that we can not reduce it because the same men are here now to vote who were here before, and the same influences are now at work that were at work before to maintain the size of the Navy. But we, who acted on the theory that we could do that and still be patriotic, have been vindicated by the action of the Navy Department itself, and they have these men and they have them on shore instead of manning the treaty Navy. [Applause.]

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. Yes.

Mr. BRITTEN. Does the gentleman recall, as he probably does, that every first-class navy on earth aims to keep on shore approximately one-third of its enlisted personnel?

Mr. TINCHER. I recall the gentleman from Illinois himself taking the floor and pleading for a big navy on the ground that we must man the treaty navy, and holding out to the country the idea that those supporting the committee were opposed to manning the treaty navy and trying to reduce the naval force. Now they admit that the men are on shore, and then they criticize the committee because they do not say "Come in."

I speak in behalf of the subcommittee that brought in this report. I know how they feel. I know that the only reason in the world why they did not bring in a report to reduce the Navy was because they considered, as far as this Congress was concerned, that the matter was res adjudicata—a matter that had been tried out and settled.

Mr. McARTHUR. Mr. Chairman, I make the point of order that the gentleman is revealing the secrets of the subcommittee. [Laughter.]

Mr. TINCHER. I am not on the subcommittee.

Mr. McARTHUR. I still make the same point of order, Mr. Chairman, that the gentleman is revealing the secrets of the subcommittee.

Mr. TINCHER. I am not on the committee.

Mr. McSWAIN. Mr. Chairman, I make the point of order that that joke ought to be adjudged.

Mr. McARTHUR. The gentleman has not yet answered. He ought to answer, especially for the edification of the gentleman from Illinois [Mr. BRITTEN].

Mr. TINCHER. I suppose my friend from the West coast will admit that the naval stations in Chicago are competent to fight their own battles. I am just as friendly to the Chicago navy as I am to the navy of the gentleman from Oregon [Mr. McARTHUR]. But I insist that those who stood with the committee and were right before, and did not get our orders from the department before, have the right to have it go into the record to-day that they are not using the men on the ships. You can find them out at the Wardman Park Hotel or at the Raleigh or at the New Willard, but they are not at sea. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired. The question is on agreeing to the amendment offered by the gentleman from Iowa.

Mr. TOWNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. TOWNER. Mr. Chairman, I think we have a situation here, created by the amendment which has been offered, that is well worthy of the careful consideration of the committee. A year ago it was determined that it was necessary for the manning of the ships that we should have a Navy of 86,000 men. It was contended then by the committee that 67,000 was adequate. It was, however, determined by the Congress that we ought to provide for a Navy of 86,000 men. This was done, and we now have a Navy of 86,935 men.

Now, what condition do we find, Mr. Chairman, with regard to these men? Has the number of men on the ships been increased? It has not. There are only 52,538 men on the ships of the Navy to-day, while 34,392 men are on shore. It will not do for gentlemen to say that the country will be satisfied that the enormous number, proportionately, of 34,392 men are necessary on shore. When over 52,000 men are needed with the ships it will not appear to the public reasonable that 34,000 men should be still kept on shore.

These are conditions that we have got to meet when we consider this proposition. The amendment offered by my colleague from Iowa [Mr. HULL] is not to strike out the 34,000 men. It is only to reduce the amount down to 75,000 men instead of 86,000. Is that an unreasonable reduction? If we take out these 11,000 men that he asks us to reduce by his amendment, there would still be more than 23,000 men on shore. Is any gentleman qualified by expert knowledge or otherwise to say that 23,000 men, with this character of a Navy, nearly one-third of the men of a Navy of 75,000 men, would not be a sufficient number for shore service? It occurs to me that it will be extremely difficult for anybody to make that kind of a showing.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Certainly; I shall be glad to yield.

Mr. BRITTEN. How does the gentleman feel about expert advice or expert opinion as to the maintenance of one-third of the force on shore by England, France, and Japan, and our best authority?

Mr. TOWNER. I have not that knowledge.

Mr. BRITTEN. That is a fact, I will say to the gentleman.

Mr. TOWNER. That one-third of the men are necessary on shore?

Mr. BRITTEN. Yes.

Mr. TOWNER. If that is the case, I should certainly adopt the amendment of the gentleman from Iowa. With 75,000 men in the Navy you would still have over 23,000 men on shore.

Mr. BRITTEN. The gentleman is not calculating on the proper figure. If you take one-third of 86,000 you will find it is 29,000, and 29,000 is about what we shall need on shore to maintain our Navy if the best expert advice knows what it is talking about.

Mr. TOWNER. Well, we have too many men on shore, even according to the gentleman's idea, and if we reduce the number, as we shall if we adopt the amendment reducing the

number to 75,000 men, we shall then have practically one-third of the men provided for on shore.

Mr. KNUTSON. Mr. Chairman, the House by a very decisive vote last April decided in favor of a personnel strength of 86,000 for the Navy.

Mr. BEGG. How decisive was it?

Mr. KNUTSON. I do not recall the figures now, but it was quite decisive.

Mr. J. M. NELSON. It was sufficient.

Mr. KNUTSON. It was sufficient for all purposes, and it will be repeated again to-day. Nothing has occurred within the last six or eight months to warrant us in making a reduction at this time. We are hopeful that the agreement entered into at the Conference on the Limitation of Armament in Washington last winter will be carried out by all the powers subscribing to the naval treaty, but my information from the Navy Department is that little progress has as yet been made toward carrying into effect the provisions of that treaty except by our Government.

Now, the amendment offered by the gentleman from Iowa is merely an entering wedge for the reduction of the Navy. I am firmly of the opinion that the American people want a Navy that is second to none. I believe it is the best guaranty we can have for the national security. It is the cheapest insurance we can have. If the gentleman's amendment carries, we will have to go through the fight again next year, when some one will, without regard to the needs of the country, offer an amendment to reduce the enlisted personnel to 50,000, and probably the next year to 25,000, and then we will find ourselves on the same level with China and other countries that are too proud to fight.

Mr. BLANTON. Will the distinguished assistant floor leader yield for a question?

Mr. KNUTSON. The gentleman is conferring upon me honors which are not mine——

Mr. BLANTON. Will the gentleman from Minnesota yield?

Mr. KNUTSON. Yes; I recognize that title.

Mr. BLANTON. May I ask how many of these 30,000 land seamen are stationed in Minnesota?

Mr. KNUTSON. None. The wisdom of the Navy Department places these men where they are needed, and they are not needed in Minnesota. We do not have even a recruiting office in Minnesota. I have no interest whatsoever in this matter except as an American who wishes to protect his country against all possible contingencies. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ROGERS having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13316) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1924, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. We seem to be proceeding upon the idea that it is some sort of crime for a sailor to be assigned to shore duty. Our very well-informed colleague, the gentleman from Iowa [Mr. TOWNER], has spoken of it as "shore leave," as if all these men who were not on the ships were loitering on shore.

Mr. KNUTSON. Or sitting in the parks.

Mr. TILSON. Or sitting in the parlors of hotels in Washington or elsewhere.

Mr. BLANTON. Or the Army and Navy Club.

Mr. TILSON. Mr. Chairman, such a motion as this is not at all consistent with the facts in the case. It has been already stated by the gentleman from Illinois [Mr. BRITTEN], who is well informed on these subjects, what is the usual percentage of shore duty to sea-duty personnel in the best-regulated navies of the world, and it corresponds quite closely to the present distribution of our own Navy. I wish to call attention to the facts as they exist in regard to assignments to land duty.

On January 1, 1922, according to the hearings, there were 35,500 men on shore. Of course, that includes hospital patients, prisoners, and so forth, the number of whom can not be affected in any way by any change of appropriation that we may make. On September 30, 1922, this number had been reduced to 28,735. This was in accordance with the general understanding last April when we were discussing this question that a larger proportion of the men should go on board the ships.

The proposition of the Navy now is to put on shore 27,924 men; that is, that during the fiscal year 1924 the number on shore duty will be reduced to 27,984, which seems to be about as far as the number can be well reduced if we take into account the large number of recruits who ought to be trained on shore before they go on board ship, the number of men in transit, some of whom are in transit on the water, but still charged to land duty, the number of men in prison, in hospitals, and so on. In order to take up the slack, as it is called, it will require just about the number now proposed.

Mr. JONES of Texas. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Texas.

Mr. JONES of Texas. I notice from the report of the committee that it is stated that on September 30 the number on shore was 34,000. Where did the gentleman get his information?

Mr. TILSON. I read from page 27 of the hearings.

Mr. JONES of Texas. The committee report on page 4 says there were 52,000 men on ships, and the remainder being on land would make the number about 34,000 on land.

Mr. TILSON. I do not know how the report was made up, but I am speaking from the information furnished to the committee on page 27 of the hearings.

In the discussion last year it was brought out very clearly, I think, that a reduction to 67,000 men, as then proposed, or even to 75,000, as now proposed by the amendment of the gentleman from Iowa [Mr. HULL], would seriously affect the efficiency of our Navy. If we should attempt now, after the limited discussion that we have had here under the five-minute rule, to make a change in the number of the personnel, we should be taking a leap in the dark, the result of which would be a very serious injury to the Navy.

Mr. McARTHUR. Mr. Chairman, we have heard a great deal of discussion this afternoon about 52,538 men being the personnel that we have afloat. I want to call the attention of the committee to the fact that on September 20 of this year that number represented the actual number of men on service in the fleet, but that in addition to that 3,889 men were in decommissioning work, 1,700 on transports, 1,367 on district craft, and 2,116 on shore base subtenders, or a total of 61,610 men actually on ships of various kinds. Subtract that from the total of 86,000 enlisted personnel and it does not give the number on shore duty that gentlemen have indicated. Gentlemen have been talking about the men who were not on actual fleet duty. The real figures show something like 25,000 men on shore duty, really less than the well-established rules for the conduct of all navies require, namely, one man on shore for every two men afloat. I submit that the Navy Department has made an excellent showing in this matter and that it has carried out the spirit and purpose of the instructions in the last naval appropriation bill in providing for a Navy with an 86,000 enlisted personnel, and that we have no more men actually on shore duty now than are absolutely necessary to maintain the Navy in its proper relative strength of one man on shore to two men afloat.

Mr. ROGERS. Will the gentleman yield?

Mr. McARTHUR. Certainly.

Mr. ROGERS. When the bill was up before the House last April there was an estimate furnished by the Navy Department officially to the Congress stating what disposition the department proposed to make of the 86,000 men if Congress granted the 86,000. That estimate shows that 57,268 of the 86,000 would be kept for sea duty. Now, the evidence is, as the gentleman has just brought out, that the Navy Department has done a little better—if you want to call it better—and has 58,200 men afloat instead of 57,200.

Mr. McARTHUR. I think there are more than that.

Mr. KELLEY of Michigan. Mr. Chairman, I should like to make a short statement to the House relative to the enlisted force of the Navy and the attitude of the Appropriations Committee toward this matter at this time. Last year the duty fell upon the Committee on Appropriations to prepare a bill immediately following the action of the Conference on the Limitation of Armament. By reason of that conference it was possible to reduce the number of men in the Navy, and under the circumstances it seemed proper for the Committee on Appropriations to recommend the proper reduction. There was not time for the legislative committee to act prior to the time for considering the naval appropriation bill in the House. We had to act promptly because there had been a reduction in naval armament, and it was necessary to translate that reduction in the Naval Establishment into a reduction of expenses for the current year.

The law fixes the maximum number of men for the Navy at 137,000. The Committee on Naval Affairs reported a bill to the House on March 22, as I recall, fixing the minimum number of men at 86,000. The Committee on Appropriations recommended 67,000. For several days the matter was discussed in the House with a thoroughness that challenged the attention

of every Member of Congress and, in fact, the whole country. The number was finally fixed at 86,000. So we have the action of this present Congress fixing the minimum at 86,000 with a maximum of 137,000 fixed by prior law.

This year the Committee on Appropriations faced an entirely different situation because we had the action of Congress to guide us both as to the minimum number of men and the maximum number of men, one at 86,000 and the other at 137,000, and between those limits our action had to be confined. We have brought the bill here carrying an appropriation to pay for the minimum number of men provided by act of Congress.

If Congress wishes to change either the minimum or maximum limit which it has heretofore fixed, in the judgment of the Committee on Appropriations such a proposal should come from the proper legislative committee. Therefore we have presented this bill to the House carrying sufficient appropriations for 86,000 men, regardless of the fact that we presented a proposal for a smaller number eight months ago. The Appropriations Committee, like every other committee, is the servant of the House and cheerfully takes orders from the House.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. J. M. NELSON. Mr. Chairman, I ask that the gentleman have two minutes more in order that I may ask him a question.

The CHAIRMAN. The gentleman from Wisconsin asks that the time of the gentleman from Michigan be extended two minutes. Is there objection?

There was no objection.

Mr. J. M. NELSON. The gentleman from Michigan attracted the attention of the House when he first came here because of his wonderful grasp of naval affairs. I know he impressed me as a man who has mastered the subject, and when he went on the Committee on Appropriations he made the same impression because he was so thorough, and I have great confidence in his judgment. I would like to have him suggest, although I know he can not advocate a reduction—I would like to have him point out where, in his opinion, men have been stationed on shore duty that might have been dispensed with and that amount of money saved to the country.

Mr. KELLEY of Michigan. I will say to my friend from Wisconsin that, of course, as chairman of the subcommittee in charge of the bill on the floor I am the agent of the full Committee on Appropriations, and the committee is committed to 86,000 men. We have agreed to the provision of the bill making the personnel 86,000 in order to carry out the will of the House. I will say, however, answering the gentleman from Wisconsin directly, that the policy of the department in regard to many matters has a direct bearing on the number of men required for the naval service. In my opening statement I discussed the question of keeping men on shore for long courses of training instead of putting them into the fleet after brief courses, as was done during the war. Many other economies of men, in my judgment, could be effected, but I do not desire to detain the House with a recital of them at this time. I went into them fully last year and the general situation has not changed since that time.

Mr. MONDELL. Mr. Speaker, I rise in opposition to the amendment. A year ago I stood by the committee on its figures for the personnel of the Navy. I did not believe that the increase that was proposed and carried was wholly justified. I believed then, and I am still inclined to believe, that we could have maintained the Navy in first-class condition with fewer men than were authorized, but the House increased the strength of the Navy and the Senate concurred. The committee has reexamined the matter and has fixed the number. I am still inclined to think that perhaps we could get along very well with a somewhat smaller number of men than has been proposed by the committee, but I think it would be a very unwise thing. Now that the committee has examined the matter and given it their best attention—and the committee is not disposed to maintain a Navy unnecessarily large—I think it would be a very great mistake to make a reduction below the number that in the judgment of the subcommittee and the committee are essential. I hope the amendment will not be adopted.

Mr. J. M. NELSON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. J. M. NELSON. As I understand it, the committee has no judgment upon it at all. It simply has not changed from the rule. It does not pass upon the necessity of the Navy.

Mr. MONDELL. I am sure the committee does not believe that there should be a reduction such as has been proposed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. HULL) there were—ayes 25, noes 81.

So the amendment was rejected.

Mr. CONNALLY of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 39, line 12, after the word "service," insert the following:

"*Provided*, That no part of the funds herein appropriated shall be available for the pay of any enlisted man or officer who may be assigned to recruiting men or boys under 21 years of age without the written consent of the parent or guardian of such minor or minors."

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the House——

Mr. CHINDBLOM. Mr. Chairman, I reserve the point of order.

Mr. CONNALLY of Texas. But I have begun to debate the matter and it is too late.

Mr. KELLEY of Michigan. Mr. Chairman, I did not hear the first part of the amendment. Is it in the form of a limitation?

Mr. CONNALLY of Texas. No point of order has been made, and I propose to debate it.

Mr. BLANTON. Mr. Chairman, I make the point of order that the point of order of the gentleman from Illinois comes too late. The gentleman from Texas had been recognized.

Mr. SANDERS of Indiana. The gentleman from Illinois [Mr. CHINDBLOM] was on his feet asking for recognition.

The CHAIRMAN (Mr. TINCHER). The present Chairman has just come to the chair, and the regular Chairman was leaving and in conversation with him when the gentleman from Illinois rose. The present Chairman was looking at the gentleman from Illinois and did not recognize the gentleman from Texas. The gentleman from Illinois reserves the point of order.

Mr. HICKS. Mr. Chairman, let us have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. WINGO. Mr. Chairman, I would like to know what the point of order is.

Mr. CONNALLY of Texas. As I understand it, the point of order is reserved.

Mr. KELLEY of Michigan. Does the gentleman want the point of order disposed of now or reserved?

Mr. CONNALLY of Texas. Mr. Chairman, I reserve the right to address myself to the point of order when that question is presented. We have had it admitted in argument by the leader of the majority, Mr. MONDELL, that he thinks the Navy can get along very well indeed during the next fiscal year without the number of men provided for in the bill. I know that the chairman of the subcommittee, the gentleman from Michigan [Mr. KELLEY], who has the affection of everyone who really knows him, thinks that the Navy can function adequately during the next fiscal year with less than the number of men provided for in the bill. A very considerable proportion of the majority side of the House is of that conviction, and the predominating part of the minority side of the House entertains that conviction. Yet every few days Members of Congress get appeals from fathers and mothers setting forth the fact that some individual recruiting officer has, with the blandishments of persuasion, with beautiful lithographed pictures of foreign lands, seduced some boy who is not 21 years of age to the belief that the proper place for him is in the Navy of the United States.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Not just now.

Mr. BEGG. I want to ask a serious question.

Mr. CONNALLY of Texas. But I want to finish this suggestion. Members are then forced to secure affidavits establishing a case of dependency to the authorities of the Navy, which seems to be hungry for men. Without such proof it will never release the boy over 18 and under 21 from the Navy, although he may have been enlisted without the consent of his parents or guardian. The law now is that one may be enlisted who is over 18 years of age without the consent of the parents or guardian, but the laws of our States all provide, as far as I know, that until a boy becomes 21 years of age, or until his father emancipates him, the father does not lose control over him or his earnings.

I believe it is unfair and unwise for the Federal Government to permit the Navy to go into the homes and, without the consent of parents, take away boys of 18 years of age, some of whom are breadwinners, some of whom are supposed to provide for their fathers and mothers. At the very period when they ought to be in school or learning a trade boys who have not reached the age of discretion are lured into the naval service. The Navy ought not to want men so badly as that,

and this Congress ought not to permit their enlistment. I yield now to the gentleman from Ohio.

Mr. BEGG. Does not the gentleman believe that if he wants to accomplish what he has in mind, the way to do it would be to prohibit the enlistment of boys in the Navy under a certain age?

Mr. CONNALLY of Texas. Theoretically that would be the proper procedure, but the gentleman knows that under the present organization of the House the Appropriations Committee is the predominating committee, and in order to get any effective legislation through this House you must put it on an appropriation bill, because the sessions of the House are largely consumed with appropriation bills; and the gentleman furthermore knows that the program of his party now is not to pass anything through this session except the ship subsidy bill and the appropriation bills.

Mr. BEGG. If I understand the gentleman's amendment correctly, it withholds any money from recruiting officers sent out to recruit boys under age without the consent of the parents.

Mr. CONNALLY of Texas. Yes.

Mr. BEGG. Has a recruiting officer ever been sent out to do that?

Mr. CONNALLY of Texas. They are all sent out to do that.

Mr. BEGG. None of them are sent out for that purpose.

Mr. CONNALLY of Texas. If the gentleman's contention is true, then my amendment would be ineffective and unobjectionable from his standpoint.

Mr. BEGG. It is a farce.

Mr. CONNALLY of Texas. Then why does the gentleman object to it?

Mr. BEGG. I do not object to it.

Mr. CONNALLY of Texas. Then it seems to me the gentleman is taking up a lot of time unnecessarily.

Mr. FIELDS. Mr. Chairman, if the gentleman will yield, they are prohibited by law now from enlisting them under 18 years of age. They do it, and they should be stopped from doing it, and the gentleman's amendment would stop them from doing it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HICKS. Mr. Chairman, has the point of order been made?

The CHAIRMAN. The point of order has been reserved. Does the gentleman make the point of order?

Mr. CHINDBLOM. Yes; I make the point of order.

Mr. HICKS. Mr. Chairman, it does seem to me that this is not subject to a point of order. I am heartily against this amendment and feel that it should be defeated, but I think the amendment is in order, because it is nothing but a limitation.

Mr. MONDELL. Will the gentleman yield?

Mr. CHINDBLOM. Mr. Chairman, I reserve the point of order.

Mr. CONNALLY of Texas. Mr. Chairman, may I be heard on the point of order before the Chair rules?

The CHAIRMAN. Certainly.

Mr. MONDELL. The amendment is not subject to a point of order; it is just foolish.

Mr. CONNALLY of Texas. The gentleman is an authority on that.

Mr. MONDELL. The amendment of the gentleman from Texas says that no officer shall be appointed to recruit boys under age. Of course, no officer is appointed to recruit boys under age. They shall not be placed on that duty without the consent of the parents of the boys that are to be recruited. Just how the Navy Department intending to send out recruiting officers instructed to recruit boys under age would secure permission of the parents of the country to recruit their boys under age before being so commissioned I do not understand. Of course, no one does. The point of order does not lie, but the amendment is simply silly.

Mr. WINGO. Will the gentleman read the amendment?

The CHAIRMAN. Does the gentleman from Illinois care to be heard on the point of order?

Mr. CHINDBLOM. I do, Mr. Chairman. I made this point of order not because I am particularly anxious to press a point of order against this particular amendment, but I think we are going pretty far afield in the matter of legislating upon appropriation bills if we allow an amendment of this character to stand without any objection. It is true a limitation may be imposed upon an appropriation, but it has been held also that it must be in fact a limitation upon an appropriation and not a limitation upon the functions of an executive officer. In the House Manual, under paragraph 825, it is stated as follows:

> The limitation may not be applied directly to the official functions of executive officers, but it may restrict executive discretion so far as this may be done by a simple negative on the use of the appropriation.

In Hinds' Precedents, fourth volume, paragraph 3957, I read as follows:

> The limitation must be upon the appropriation and not an affirmative limitation of official functions.
>
> On April 24, 1900, the Post Office appropriation bill being under consideration in Committee of the Whole House on the state of the Union, Mr. W. T. Crawford, of North Carolina, offered to the paragraph appropriating for inland transportation by star routes the following amendment:
>
> "Of which sum $50,000 shall be used, under the direction of the Postmaster General, in supplying temporary service to the newly established offices in cases where the establishment of star routes is contemplated."
>
> Mr. Eugene F. Loud, of California, having raised a point of order, the Chairman held:
>
> "It is not a limitation upon the appropriation; it is a limitation upon the functions of the Post Office Department. It takes away from the Postmaster General that discretion that he now has and is, therefore, in the opinion of the Chair, obnoxious to the point of order, and the Chair sustains the point of order."

In the present case the amendment, in effect, does not limit the appropriation. The appropriation is available, the appropriation is going to be expended, men are going to be recruited, and it is merely proposed to amend the existing law by directing that the recruiting of men for the Navy shall be done in some other manner than that now provided by law. I find at the bottom of paragraph 825 in the House Manual the following:

> The fact that a provision would constitute legislation for only a year does not make it a limitation in order under the rule. Care should also be taken that the language of limitation be not such as, when fairly construed, would change existing law or justify an executive officer in assuming an attempt to change existing law.

What difference is it going to make in reference to the expenditure for recruiting, or how does it limit that expenditure if we say that minors shall not be recruited without the consent of their parents? That will not affect the recruiting. That will not produce one cent of saving in the appropriation, nor does it limit the appropriation. It is simply a change of existing law, and I for one, Mr. Chairman, have begun to feel that the time has come when the House at every opportunity, or some Member of the House, should raise objection to attempts constantly to change existing law. I think we have gone far—in fact, to the extreme limit—in the matter of changing laws by appropriation bills and by amendments to appropriation bills. Very soon there will be no substantive legislation whatever except by way of original proposals in, or by way of amendments to, appropriation bills. I make this argument because I think it is the duty of every presiding officer in the House to preserve the rights of the House and preserve the methods of legislation, to the end that this custom of legislating on appropriation bills or through appropriation bills shall at least not go any further than it has gone already.

Mr. CONNALLY of Texas. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] made the argument on the point of order that this particular amendment was not in order because it was foolish. That was to be expected from the gentleman from Wyoming, for phrenologists tell us that those individuals with small capacities and largely developed bumps of self-esteem consider always those who differ with them as being foolish. Now, Mr. Chairman, the point of order as made by the gentleman from Illinois [Mr. CHINDBLOM] is to the effect that the amendment is legislation. It is not legislation in the sense that the point of order was urged, but it is a limitation; and if the Chair will bear with me for just a moment—because in all frankness I know that the Chair wants to decide this question fairly and properly—I believe I can convince the Chair. What is a limitation? A limitation on an appropriation bill is that which limits the use of money which is appropriated to certain purposes. As was so well pointed out by the gentleman from Illinois, Mr. Mann, on one occasion, and as was concurred in, as I remember now, by the gentleman from Missouri, Mr. Clark, an amendment similar to this amendment could be so worded as to provide that no part of this appropriation shall be paid to red-headed men, and it would be a limitation within the rules of this House. This amendment could provide that no part of this money should be paid to any man who performs duty on land. You could destroy every one of the shore stations and shore duty if the Congress wanted to do it, because such a provision would be a limitation on an appropriation.

Now, in all frankness, if I had to write a statute governing the subject I would not draft it as I have drafted this amendment. I would write it so as to win at least a degree of approval from the gentleman from Wyoming. But in order to draft it so as to escape points of order I had to make it rather awkward in its form; I had to draw it so that it would be a limitation. Therefore I provided that no part of this appropriation shall be applied to the pay of any officer or any man—I could not say "assigned to recruiting duty," because that would destroy all of the recruiting duty; I had to say that none of it should apply to officers and men engaged in recruit-

ing boys under 21 years of age without the written consent of their parent or guardian.

Now, what is the object of the amendment? The object of the amendment is to let the Navy Department know that this Congress wants it to stop enlisting boys under 21 years of age without the consent of their parents; and if it is put in here, although it might not suit the ideas of the gentleman from Wyoming, the Navy Department will not enlist another one if it knows it. The object of this amendment is to withhold payment from any officer or any enlisted man who recruits a boy under 21 years without the consent of his parents. This is a direction that the Navy Department shall not pay that officer or enlisted man one cent.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. SANDERS of Indiana. I just wanted to suggest to the gentleman that the other day Mr. Speaker GILLETT ruled on the precise point, on a resolution offered by the gentleman from Massachusetts [Mr. TINKHAM], where the gentleman from Massachusetts proposed that no part of the appropriation should be paid to any employee who did not come in under the civil-service law, and the Speaker overruled the point of order and held that it was a mere limitation on the appropriation.

Mr. CONNALLY of Texas. I thank the gentleman.

Mr. SANDERS of Indiana. I do not favor the gentleman's amendment, but I do agree with him on that point.

Mr. CONNALLY of Texas. Yes; I thank the gentleman. There have been hundreds of cases of amendments offered on the floor of this House in the nature of limitations which have been sustained.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. In a moment.

As I recall it, the other day, when the House had under discussion the question of prohibition enforcement in the Treasury Department bill, quite a number of amendments were offered from the floor providing that no judge or district attorney should be paid any part of the funds appropriated if he did not perform his duty; and while the Chair said that perhaps they were foolish amendments, yet he held them to be in order as a limitation.

Now I yield to the gentleman from Minnesota.

Mr. KNUTSON. In justice to the recruiting officers, I think the gentleman is aware of the fact that where the boys are recruited under the age of 18, the boys have misstated their age. I am in sympathy with the gentleman's position. I think that often a boy does not know. He is not yet a man when he is only 18 years of age.

Mr. CONNALLY of Texas. Is the gentleman in favor of my amendment?

Mr. KNUTSON. I may not vote for the gentleman's amendment.

The CHAIRMAN. The Chair will hear the gentleman from Texas on the point of order.

Mr. CONNALLY of Texas. I presumed that the whip on the majority side was going to ask me something about the point of order.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. JONES of Texas. I would like to suggest to the gentleman, in answer to the statement of the whip on the Republican side, that the officer may claim that he could not find out the boy's age, but when they discharge them they make them produce the proof of their age. I think they could find out his age when they enlist a boy just as well as when they discharge him.

Mr. CONNALLY of Texas. Yes. When they get them in they are not quite so searching in their attempt to find out the age. When they put them out they are quite careful.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. No; I regret I can not yield to more interruptions.

Mr. TILSON. We are trying to help the gentleman.

Mr. CONNALLY of Texas. I could cite hundreds of precedents from Hinds' volume, and I submit that it is quite clear that this is simply a limitation. I think the point of order ought to be overruled.

The CHAIRMAN. The Chair is quite clear that the amendment is a limitation, especially in view of recent rulings by several Chairmen.

I recall that the first time the question was discussed in my hearing an amendment was offered by the gentleman from Kentucky [Mr. FIELDS] on the Army appropriation bill, depriving certain Army officers of pay if they did certain acts in social relations with regard to privates and other officers, and the Speaker sustained the amendment. The point of order is overruled.

Mr. BLANTON. Mr. Chairman, I call attention to the fact that on day before yesterday I raised this same question. Page 490 of the RECORD shows that I offered evidence here, conclusive evidence, of the fact that recruiting officers not only enlisted boys under 21, as they are authorized to if they are 18, but they enlisted a boy named Bradshaw as young as 15 years of age, without the knowledge and consent of his parents; and when application was made for his discharge by his parents the Bureau of Navigation, while promising to discharge him, wrote that the boy had sworn so-and-so, which intimated that action might be taken against him.

Mr. BEGG. Will the gentleman yield for a question?

Mr. BLANTON. Yes.

Mr. BEGG. Did the boy make a false affidavit as to his age, or did the recruiting officer falsely enlist him?

Mr. BLANTON. Oh, the boy, as stated by my colleague [Mr. CONNALLY of Texas], seduced by the blandishments of the recruiting officer, swore falsely that he was 18.

Mr. BEGG. Then the recruiting officer was not to blame.

Mr. BLANTON. He stated that he was 18 years of age in order to get into the Navy, to make these trips around the world.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a moment.

Also, I showed, day before yesterday, that a young man named Eddy was recruited under 18 years of age, and I produced a letter here from a reputable firm of lawyers in Texas—Messrs. Walters & Baker, of San Saba—and a letter from his mother, that this young boy Eddy was enlisted by a recruiting officer without the knowledge and consent of his mother; and I showed that it was brought to the attention of the Bureau of Navigation that the young man was under 18 years of age. A telegram was sent to his mother asking for her consent. She wired back saying she refused to give her consent, and stating that he was under 18 years of age, and protesting against his acceptance.

Yet he was accepted into the Navy and sent to San Francisco; and when I wrote the Bureau of Navigation, showing that this good woman was a widow in destitute circumstances with five little children to support and that this minor son was her main stand-by for her support, and asking that the boy be discharged, the Bureau of Navigation sent the same letter that it sends to all parents, while promising to discharge him, stating, in effect, "Your boy swore that he was 18 years of age. We had a right to enlist him," which intimated that he might be discharged dishonorably and that some court-martial might take place against him. Then this destitute widow wrote a letter to me, which I put into the RECORD on page 490, saying, "I do not know what my boy swore. I am afraid I will get him into trouble, and under the circumstances I withdraw my application for his discharge."

That is the situation with which we are confronted, and yet it is called foolish because we want to stop it. It is called silly because we want to stop it. It may be silly or foolish to some Members, but I want to say that I am in favor of the amendment offered by my colleague. In war time the Government has a right to take these boys, but in peace time it ought not to take them without their parents' knowledge and consent unless they are 21 years of age.

Mr. SANDERS of Indiana. Mr. Chairman, regardless of what our views might be with reference to the enlistment of minors and the precautions necessary to protect them, I think it would not be wise to place this amendment on the appropriation bill. This amendment is drawn as well as it could be drawn and make it get past the point of order. It simply provides that you can not use any of this appropriation to pay these officers if this thing is done, that no part of the money appropriated can be used for that purpose, and we have the incongruous situation that we have a positive law and regulation covering the entire subject, and yet notwithstanding that we put in this language providing that they can not use this fund to pay the officers.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. SANDERS of Indiana. I yield to the gentleman from Texas.

Mr. CONNALLY of Texas. Is that situation any more anomalous than the one with which we are confronted when the law says the strength of the Navy shall be 187,000 and the naval appropriation bill says that strength shall be 86,000? Is not that a similar proposition?

Mr. SANDERS of Indiana. I do not think the two are analogous at all.

Mr. ANDREWS of Nebraska. Will the gentleman yield to me for a question?

Mr. SANDERS of Indiana. I will yield to the gentleman.

Mr. ANDREWS of Nebraska. If a deduction is to be made from the pay of the recruiting officer, when will it be made and how much will be deducted?

Mr. SANDERS of Indiana. The gentleman might get that information from the gentleman from Texas.

Mr. BEGG. Mr. Chairman and gentlemen of the committee, it is easy enough to work yourself up into a passion of sympathy for the son of a widowed mother, but there were two or three peculiar things suggested to my mind in the case mentioned by the gentleman from Texas [Mr. BLANTON]. In the first place, a boy of 15 years of age voluntarily joined the Navy, and then his mother sent a wire asking for his release on the ground that she was dependent on him for support. Now, in every one of these cases of these boys who enlist under age the chances are nine out of ten that instead of being an asset to the parent they are a liability, and most of these boys run away from home and file a false affidavit as to their age in order to get into the Navy. I am not sure that the future of the boy is not in better shape if he is allowed and compelled to serve his three or four years in the Navy than if he is discharged and allowed to go on his wayward way.

Mr. ROGERS. Does the gentleman think it would be unreasonable that the Navy Department should require any boy under the age of 21 who seeks to enlist to submit to the recruiting officer a certified copy of his birth certificate? It seems to me that is the way to reach this thing. We have a law as to who may enter the Navy with or without the consent of parents and who may not. Why not require the recruiting officer to have real evidence as to how old the applicant is?

Mr. JONES of Texas. He probably would get it if we should pass this amendment.

Mr. BEGG. I would not object to that requirement. I am not out of sympathy with the proposition to require these boys to be a little older before enlisting without the parents' consent. The point I am making is that there is no occasion for too much sympathy with the boy who lies about his age in order to get in. What does this amendment say? It says pay shall be withheld from the enlisting officer who is assigned to go out and enlist boys under age. Now, I maintain that if this amendment should be passed it would not do any good, because no officer in the Navy is ever assigned to go out and violate the law. If a false oath is filed with him as to the boy's age the officer is not guilty, and the pay of the officer could not be withheld from him. If he has exercised all the precautions necessary in the discharge of his duty you could not take away his pay if a boy came in and filed an affidavit stating that he was 21 years old when he was in fact only 19. This amendment is surplusage, to say the least; and under it you could not withhold the officer's pay, because, as I said in the first place, he does not get any such assignment.

Mr. JONES of Texas. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. JONES of Texas. Does not the gentleman think, if this amendment were adopted, all the recruiting officers would require either a birth certificate about anyone as to whom there was any doubt, or else the consent of the parents?

Mr. BEGG. I would have no quarrel with this amendment if it simply said that no recruiting officer was to receive any part of this pay unless he required an affidavit or a birth certificate showing the boy's age before he enlisted if he was under 21. I would not quarrel with that. I am not out of sympathy with the amendment, but the amendment will not do anything if it is written into the bill except to make a jumble and a jargon of the actual operation of the law.

Mr. FIELDS. Mr. Chairman, I offer the substitute which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kentucky offers a substitute, which will be reported by the Clerk.

Mr. WINGO. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Arkansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty Members are present, not a quorum.

Mr. KELLEY of Michigan. I move that the committee do now rise, and on that I ask for tellers.

The CHAIRMAN. The gentleman from Michigan moves that the committte do now rise, and on that motion he asks for tellers.

Tellers were ordered, and the Chairman appointed Mr. KELLEY of Michigan and Mr. WINGO.

The committee divided; and the tellers reported—ayes 1, nays 95.

The CHAIRMAN (Mr. TINCHER). On this vote the ayes are 1 and the nays are 95; 5 are present and not voting. A quorum is present. The noes have it, and the committee refuses to rise.

Mr. FIELDS. Mr. Chairman, I offer the following amendment by way of a substitute for the amendment of the gentleman from Texas.

The Clerk read as follows:

Amendment by Mr. FIELDS as a substitute for the amendment offered by Mr. CONNALLY of Texas:

"Page 29, line 12, after the word 'service,' insert: '*Provided*, That no part of the funds herein appropriated shall be applied to the payment of the salary of any recruiting officer of the Navy of the United States who shall enlist recruits under 18 years of age without the written consent of their parents or guardian.'"

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that the substitute is not germane. My amendment provides for men 18 to 21, and the effect is to extend the present law from 18 to 21. The gentleman's substitute only applies to boys under 18 and really does not touch the question that my amendment applies to. Under the present law enlistments are legal over 18 years of age without consent of the parents. The effect of my amendment is to require the consent of the parents to enlistment over 18 to 21. The gentleman's substitute is not germane to that question.

Mr. FIELDS. Mr. Chairman, I will offer it as an amendment to the section and not as a substitute.

The CHAIRMAN (Mr. LONGWORTH). That is not in order at the present stage of proceedings.

Mr. FIELDS. Then, Mr. Chairman, I will offer it as a substitute for the amendment of the gentleman from Texas.

The CHAIRMAN. The Chair thinks that it is germane to the general subject and overrules the point of order.

Mr. FIELDS. Mr. Chairman, I offer this amendment in all sincerity, because by the adoption of it Congress can cure an evil of which we hear complaints from every quarter of the country almost every day. The recruiting officers of the Army and the Navy, as has been stated on the floor of this House, time and again have followed the practice of enlisting into the service recruits who are not of legal military age. Boys of 15, 16, and 17 years of age are enlisted into the service. Oftentimes they are induced to do so by the flowery stories of the recruiting officers of an opportunity to go round the world, and oftentimes they are advised by the recruiting officer to falsify in their application.

Not long since a boy 17 years of age in my district enlisted. His mother, who was in delicate health, appealed to me to secure his release. I talked with the boy and asked him why he enlisted and why he made a false statement in his enlistment. He said he told the recruiting officer he was not 18 years of age. The recruiting officer said, "Oh, that will be all right; just sign this paper." And so the boy said he signed it, but did not know that he was subscribing to a falsehood.

Now, I say, Mr. Chairman, if that recruiting officer had been under the penalty of losing his pay for recruiting a boy under 18 years of age he would have ascertained whether or not that boy was 18 years of age, and moreover he would not have enlisted him with the knowledge that he was under 18.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. ANDREWS of Nebraska. When and how much would you deduct from the officer's pay?

Mr. FIELDS. When found guilty I would strike him from the Federal pay roll. The gentleman from Nebraska will recall that there was a few years ago a practice adopted in many of the Army camps of the country where written orders were issued prohibiting enlisted men from attending certain public functions where officers happened to be. I offered an amendment to the Army appropriation bill providing that no part of the fund herein appropriated shall be applied in payment of the salary of any officer of the Army of the United States who shall issue or cause to be issued any order, written or verbal, establishing social distinctions between the officers and men of said Army while not on military duty.

Oh, they said, it would affect the discipline, it would disorganize the Army, but the limitation was adopted, and, Mr. Chairman, they have been getting along nicely ever since. They have been attending the same church ever since without demoralizing the Army, and I imagine that they could go to heaven together without the slightest reflection on the officers. [Laughter.]

I say to you gentlemen of the House that this limitation should be adopted. I offer it as a substitute to the amendment of the gentleman from Texas because the law provides for the enlistment of boys of the age of 18.

I would prefer his amendment to my own if his was not in conflict with law—because I do not believe that the law ought to go below 21, but it does. But if my amendment is adopted

it harmonizes with the law and it will stop this practice which is going on day in and day out of recruiting boys under 18 years of age who are not of military age. It will simply strike from the pay roll the recruiting officer who recruits boys under 18 years of age, and I assure you that when that limitation is put on the recruiting officers they will be able to ascertain the ages of the applicants before enlisting them into the service.

Mr. BEGG. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. BEGG. If I understand the gentleman's amendment he keeps back the pay of the officer who enlists the boy under 18.

Mr. FIELDS. Without the written consent of the parents or guardian.

Mr. BEGG. Suppose a big, strapping, healthy-looking fellow walks into the recruiting office who is only 16 years of age and makes the false oath that he is 19 years old and the officer enlists him, what are you going to do?

Mr. FIELDS. Under this limitation the officer would require him to file a birth certificate or a sworn statement from the parent or guardian showing that he is 18 years of age. That is what I would do if I were the recruiting officer.

Mr. JONES of Texas. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. JONES of Texas. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Kentucky. I am in hearty sympathy with the general purposes of his amendment, but I do not think the amendment goes far enough.

Mr. FIELDS. It goes as far as the law will allow.

Mr. JONES of Texas. It will not if the amendment of the gentleman from Texas is adopted. As a matter of fact, the law as it exists to-day in a measure protects the boys under 18 years of age, except as to the form of the discharge, but no protection exists as to boys between 18 and 21 years of age. I concede, as the author of the amendment concedes, that it is not drawn in the best way, if one would be permitted to draft and propose legislation just as he wanted it proposed, but it had to be drawn to fit into this bill. However, I do not believe there is a man in the House who does not know that if the amendment offered by my colleague from Texas [Mr. CONNALLY] is adopted, no recruiting officer will enlist any boy about whose age he is in doubt without getting the consent of the parents, or without procuring a birth certificate showing that the boy is 21 years of age. That will not lay any great burden upon the enlisting officer. It will not be much trouble for him when a boy about whose age there can be no doubt applies, to say to the boy that he must obtain a copy of his birth certificate or get the written consent of one of his parents. Here is the trouble with the situation as it exists to-day: They enlist these boys who are not 21, and in some instances under 18 years of age, and then a showing is made that the parents are dependent upon the boy, or have a claim to his services, and the boy is given an ordinary discharge, and if you can find any great legal difference between a dishonorable discharge and an ordinary discharge you will do more than I can find. They are both without honor and both call for explanation. I have had instances where boys of 16 years of age have been discharged with an ordinary or blue discharge, which for all purposes of law amounts to a dishonorable discharge, without carrying its discredit. Why not get the information beforehand on the part of the recruiting officer?

Mr. STEPHENS. Suppose the boy has no parents and can not produce a birth certificate.

Mr. JONES of Texas. Oh, there are no boys who have not either parents or guardians, who are under 21 years of age, or who can not secure a birth certificate. If there is a State in the Union that does not require the filing of a birth certificate I would like to know what State it is. Does the gentleman know of such a State?

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. LONDON. I understand there are only 28 States in the Union that have provision for the registration of births. Such was the information furnished me some four years ago and was correct as of that date.

Mr. JONES of Texas. I have understood that there are a great many more than that.

Mr. OLIVER. Mr. Chairman, unfortunately even in those States that have a law such as is mentioned it is not always observed.

Mr. JONES of Texas. That may be true, but the amendment of my colleagues does not require the securing of a birth certificate. I state that as one way in which the officer may protect himself. Most assuredly he could require the affidavit of some disinterested person who knows how old the boy is. In the rare instances in which a boy who has no guardian or parents the recruiting officer can compel the boy to get the affidavits of two disinterested persons to the effect that he is 21 years of age, and he can get that in a very few minutes or require the boy to do it, and that is much easier than having the Government go to the expense of taking the boy away from his home and bringing him back again, and going to all the trouble incident to the final disposal of such a case.

Mr. HICKS. Mr. Chairman, I want to say a word or two in reference to the matter brought up by the gentleman from Texas [Mr. BLANTON]. He would have it appear here that the widowed mother of some boy was harshly treated by the Navy Department, and he paints a picture of her sufferings and being threatened and fearing some legal action would be taken upon the part of the Navy Department because of violation of contract. In all fairness I am going to read a letter which was written to the gentleman from Texas [Mr. BLANTON] by the Bureau of Navigation of the Navy Department, and I think when a letter is read in whole, not merely in part, it will show that the Navy Department, instead of being harsh, was extremely gentle and liberal. This is a letter written to the gentleman from Texas by the Bureau of Navigation on the 7th of July in reference to this boy referred to, the son of this widow. After reciting that the boy had gone into the Navy and had established a contract, then the letter says:

> However, I note your statement as to the boy's correct age, but regarding that I can take no action with regard to authorizing his discharge until evidence has been presented showing the correct date of birth.
>
> I would suggest, therefore, that you advise the mother to present a birth certificate, a certificate of baptism, or her own affidavit, setting forth the exact date of the birth of her son, and if, upon receipt of evidence, it develops that young Eddy enlisted while under 18 years of age, the bureau will promptly direct his discharge on account of under-age enlistment.

And that boy was discharged.

Mr. BLANTON. Oh, no; he never has been discharged. He is still in the Navy.

Mr. HICKS. That is what the Bureau of Navigation tells me. He was discharged.

Mr. BLANTON. Oh, no; the gentleman ought to read the subsequent letters.

Mr. KELLEY of Michigan. Mr. Chairman, I think it may help us a little bit to understand the situation if we first consider the law that is in effect at the present time. By act of Congress passed March 3, 1915, it was provided:

> That hereafter no part of any appropriation for the naval service shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen unless in case of minors a certificate of birth or a verified written statement by the parents, or either of them, or in case of their death a verified written statement by the legal guardian, to be first furnished to the recruiting officer, showing the applicant to be of age required by naval regulations, shall be presented with the application for enlistment.

That is the law at the present time.

Mr. JONES of Texas. Then we ought to cut off their pay if they violate the law.

Mr. FIELDS. They are not obeying the law.

Mr. KELLEY of Michigan. It provides that no part of any appropriation shall be used hereafter unless these regulations are complied with. And the law continues:

> And when it is afterwards found upon evidence satisfactory to the Navy Department that the recruit has sworn falsely as to his age and was under 18 years of age at the time of the enlistment, he shall upon request of either parent, or, in case of their death, by the legal guardian, be relieved from service in the Navy upon the payment of full cost of first outfit, unless in any given case the Secretary in his discretion shall relieve such recruit of such payment.

So that I think that the law as it stands——

Mr. FIELDS. Will the gentleman yield?

Mr. KELLEY of Michigan. In just a minute. The law as it stands now contains practically all the restrictions that various gentlemen have suggested, and this discussion will have the effect of calling the attention of the Navy Department to the whole matter, so that in the future greater care may be exercised in the enforcement of this statute in reference to recruiting.

Mr. FIELDS. I will say to the gentleman if my substitute is adopted it will most surely call the attention of the recruiting officers to the fact——

Mr. KELLEY of Michigan. I have not had an opportunity to examine the substitute carefully, but it seems to me that it is not as comprehensive and not as likely to protect recruits as the existing law, and my own judgment is that we had better let the law stand as it is, and if corrective legislation is found necessary later let it come from the proper legislative committee.

Mr. GREENE of Massachusetts. Mr. Chairman, I have had considerable experience in the way of getting boys who were under 18 years of age out of the Navy, and I want to state

that there is one phase of the matter which has not been brought out by those who have participated in the debate thus far, and that is that boys frequently take the birth certificate of their older brother and they also assume the older brother's name. They present it to the naval or military officer and by means of the name and the birth certificate of their older brother they are thereby enlisted in the Army or Navy, whichever the case may be. I can not understand why the enlisting officer should be censured or deprived of his pay for his part in the transaction, and after the boy has been in the service a short time he gets tired or dissatisfied and then he discloses that he used the brother's certificate. I see nothing in the two amendments proposed that covers the proposition to change the existing law so it would cover the cases which so frequently have been brought to my attention. I live within 18 miles of Newport, which is a naval station, and there is also a naval station at Providence, 18 miles away, and there are both naval and military officers who have enlisting offices in the city of Fall River, where I have resided almost all my life. There are men enlisting all the time. The naval officer or the military officer is not to blame for enlisting those boys because they bring with them the birth certificate and assume the name of their brother, and there is no way for the naval or military officer to tell whether it is genuine or not, and because the person seeking enlistment brings a certificate of birth and age it is readily accepted as sufficient evidence to the officers, even though he assumes his brother's name.

Mr. FIELDS. If my substitute is adopted, it will doubtless cause the recruiting officer to require the applicant for enlistment to bring the written statement of his parent or guardian, which would disclose the fact that he had his brother's certificate.

Mr. GREENE of Massachusetts. I doubt it very much. I think the presentation of the certificate is sufficient, and I think it would be very unwise to adopt either of the proposed amendments. It would be far better to allow the law to remain as it now is.

Mr. BLANTON. Mr. Chairman——

Mr. KELLEY of Michigan. Mr. Chairman, it seems that we have pretty well exhausted the matter. How much time does the gentleman from Texas want?

Mr. BLANTON. Three minutes.

Mr. WINGO. If we are going to waste more time on this business, I make the point that there is no quorum present. You were in an awful hurry yesterday when you had a serious matter, and you kept your political absentees here and you had better bring them in. I make the point of order there is no quorum.

Mr. MONDELL. I understood the gentleman from Arkansas said if we wasted any more time on this proposition he was going to make the point of order of no quorum.

The CHAIRMAN. The gentleman made the point of order. One hundred and four gentlemen are present—a quorum.

Mr. KELLEY of Michigan. I move that debate close on this paragraph and all amendments thereto.

The question was taken, and the Chair announced the ayes appeared to have it.

Mr. WINGO. Mr. Chairman, I demand a division.

The committee again divided; and there were—ayes 67, noes 0.

Mr. WINGO. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. BEGG. Mr. Chairman, I make the point of order that some gentlemen did not vote on either side.

The CHAIRMAN. The Chair has just counted and found a quorum was present.

Mr. WINGO. Does the Chair say that there are 100 men in this Chamber?

The CHAIRMAN. The Chair counted just a moment ago.

Mr. WINGO. Does the Chair say there are 100 men in this room?

The CHAIRMAN. The Chair made no such statement. The Chair said two minutes ago there were 100.

Mr. MONDELL. The gentleman has no right to interrogate the Chair.

Mr. WINGO. What is the gentleman going to do about it?

The CHAIRMAN. The question is on the substitute offered by the gentleman from Kentucky to the amendment offered by the gentleman from Texas.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Texas.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. WINGO. Mr. Chairman, I ask for a division; I would like to bring in the 104.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and there were—ayes 21, noes 70.

So the amendment was rejected.

The Clerk read as follows:

PROVISIONS, NAVY.

For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes in case of death or desertion upon orders of the commanding officers, at 50 cents per diem, and midshipmen at 80 cents per diem, and commuted rations stopped on account of sick in hospital and credited at the rate of 75 cents per ration to the naval hospital fund; subsistence of men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefore to be given); quarters and subsistence of men on detached duty; subsistence of officers and men of the naval auxiliary service; subsistence of members of the Naval Reserve Force during period of active service; expenses of handling provisions and for subsistence in kind at hospitals and on board ship in lieu of subsistence allowance of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement; in all, $16,424,000, to be available until the close of the fiscal year ending June 30, 1925: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; and for the purchase of United States Army emergency rations as required.

Mr. BLANTON. Mr. Chairman, I rise on the pro forma amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. I just want to correct an error made by the gentleman from New York [Mr. HICKS], if the committee will indulge me a moment. I want to read from the CONGRESSIONAL RECORD of Thursday, page 490, the letter from Mrs. Selma Eddy. I read:

WILLOW CITY, TEX., *September 5, 1922.*

DEAR MR. BLANTON: I received your letter last night concerning the discharge of my boy, Terrel Robert Eddy. I have decided to let the matter drop, as I don't know what the boy swore, and I am afraid I might get him into trouble. He has one more year to serve in the Navy, and I think it best to leave him alone. However, I thank you very much for your trouble.

Yours very truly, MRS. SELMA EDDY.

Now, what scared the woman was the part of their letter which came from the Bureau of Navigation, which the gentleman from New York did not read, but which, from page 490, I read, as follows:

When young Eddy enlisted, December 1, 1920, he made oath that he was born August 12, 1901, from which it would appear that his enlistment was taken in good faith, and considered legal and binding in all respects under the Revised Statutes, which make the enlistment of a boy 18 years of age or over, without the consent of his parents or legal guardian, a valid contract.

So the distinguished gentleman from New York [Mr. HICKS], with whom I have no controversy, except I do not want to let him make statements here that are not in conformity with the facts, when he stated that this boy had been discharged and that the Bureau of Navigation had accorded everything to this woman, was in error. It was probably a mistake based upon some misinformation that he had. As a matter of fact, in the same RECORD, that of day before yesterday, on page 490, I showed that Messrs. Walters & Baker, a reputable firm of lawyers at San Saba, Tex., had proved beyond question or doubt that this woman was a destitute widow with five little children to support and that the boy, who was wrongfully taken into the Navy, was her mainstay; and yet, when promising to discharge him, the Bureau of Navigation wrote this letter asserting that the boy swore he was 18, from which she was afraid the boy would be given a dishonorable discharge or that he might be prosecuted. The gentleman from New York ought to be fair. All this happened after what occurred in the letter he read had transpired.

Mr. WILLIAMSON. The woman withdrew her request that her boy be discharged, and there is nothing in the letter to show that the woman was acting through fear.

Mr. BLANTON. Did not she write "I am afraid I might get my boy into trouble"? Oh, if you send to the mother a statement like that from the Bureau of Navigation, from Admiral Washington, who never saw it, although his name was signed to it, "Your boy swore to a lie," what does the woman imagine? She imagines that her boy might be taken up before a court-martial and that he may be dishonorably discharged and punished for making a false statement.

Mr. WILLIAMSON. The gentleman is drawing on his imagination. There is nothing of that kind in the letter.

Mr. BLANTON. No English language could be plainer. She said, "I do not know what my boy swore." She said, "I am afraid I may get my boy into trouble." And she waives his discharge. That comes from a poor destitute widow, the mother of five little children. Yet the gentleman takes issue and

says her boy ought to be left in the Navy. He may be able to take that position before his people of South Dakota, but my constituents in Texas do not like it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

BUREAU OF MEDICINE AND SURGERY.

MEDICAL DEPARTMENT.

For surgeon's necessaries for vessels in commission, navy yards, naval stations, and Marine Corps; and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical School and Dispensary, Washington, and Naval Academy, $1,760,000: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical service in naval hospitals, dispensaries, medical supply depots, and Naval Medical School, for the fiscal year ending June 30, 1924, shall not exceed 150,000.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent that the Clerk may insert the dollar mark in front of the "150,000" on line 16.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Navy yard, Mare Island, Calif.: Rebuilding dikes, wharves, and quay walls, and maintenance dredging (limit of cost, $2,800,000), $1,500,000, to be available immediately.

Mr. HICKS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. HICKS. I want to ask the chairman, if I may, in reference to the Mare Island item, the amount provided here for dredging. I presume that is the dredging over those shoals that obstruct the free passage between San Francisco Bay and Mare Island Bay. Or is that in the harbor itself?

Mr. KELLEY of Michigan. I will say to the gentleman that it is the dredging immediately in front of the yard.

Mr. HICKS. It does not include those shoals 4 or 5 miles below the island?

Mr. KELLEY of Michigan. No.

Mr. HICKS. Does the gentleman know whether that channel that I refer to is kept open at a reasonable expense to the Government?

Mr. KELLEY of Michigan. Yes; it is. The Army has jurisdiction, as the gentleman knows, over the maintenance of the channel from San Francisco Bay to Mare Island. The last information we had through the Army engineer was that the depth of the channel was not sufficient and that the dredging would continue to make it 500 feet wide and perfectly ample to take care of our largest ships when the present project is completed.

Mr. HICKS. As I remember, when I was there two years ago there was a large wooden dike built just as you approach Mare Island, around inside the harbor at Mare Island; and that dike, being of wood, was becoming deteriorated. I was wondering whether this was not the appropriation for that instead of for the harbor.

Mr. KELLEY of Michigan. The appropriation of $1,500,000 includes the repair and restoration of the piers and wharves along the water front and also the replacement of the dikes. Congress last year authorized a project there of $2,800,000. We appropriated $750,000 last year. This is one of the items that we increased above the Budget figures—providing $1,500,000 this year instead of $750,000 this year and $750,000 next year. The reason for allowing the $1,500,000 now was that the dikes are breaking down, owing to attack some two or three years ago by the teredo, which bored into the wooden piling. The giving away of the dikes will permit the silt and other deposits to fill up the basin in front of the yard and thus necessitate extensive dredging later on unless this project is hastened. We believed it to be more economical to appropriate a larger sum of money this year and push the work along and thus prevent further damage and resulting expense.

Mr. HICKS. How long will these dikes last?

Mr. KELLEY of Michigan. The new dikes are to be made of reinforced concrete.

Mr. HICKS. Out of concrete?

Mr. KELLEY of Michigan. Yes.

Mr. CURRY. Mr. Speaker, this appropriation is to repair the sea wall and dikes and not for dredging, except right in front of the yard and that made necessary in the work on the quay wall and dikes. The dredging in front of the yard will be done by a clam-shell dredger that the yard already has. These dikes and sea wall were almost destroyed by the teredo during the four years of low water that they had in California. The teredo can not live in fresh water. The water in front of Mare Island Navy Yard and down through the Pinole Shoals is fresh water, except in exceedingly low water, when there has been several dry years in succession in the mountains and valleys. If the $750,000 had been used for this purpose when I first asked for it, the work would have been completed within the $750,000; but the Bureau of Yards and Docks did not use any of the lump sum that was appropriated for yards and docks for that purpose. The result is as I anticipated, that it will cost about four times as much now as it would had the sea wall and dikes been repaired then and not allowed to go out. There will be no teredo in the Mare Island Navy Yard channel probably for the next 20 or 30 years, but in order that this condition shall not occur again in the future the Navy Department is using reinforced concrete instead of wooden piling, and I believe it will complete the work within the authorized appropriation. So far as the channel is concerned, it is under the control of the War Department. The project of the War Department is for a channel 500 feet wide and 35 feet deep at lower low water with a turning basin of 1,000 feet. The channel has been maintained by the Army Engineers at an annual cost of about $50,000. The estimate of the Army Engineers of the cost of maintaining the channel was not to exceed $100,000 per annum.

At the present time the channel is 500 feet wide, and the water is 35 feet deep at lower low water through the channel in front of Mare Island Navy Yard and the Pinole Shoals and in the turning basin. There is a tide of 7 feet there which makes it 42 feet at high tide. The channel is adequate to accommodate the largest battleship afloat of any nation or the largest merchant ship afloat of any nation, and would be maintained by the War Department for commercial purposes regardless of whether the Navy Yard were there or not. There are two railroads that have their termini at Vallejo, and the commerce of that port alone has justified, and will justify, the maintaining of the channel.

Mr. BLANTON. Will the gentleman yield?

Mr. CURRY. Yes.

Mr. BLANTON. I want to ask the gentleman in what way this item is objectionable to him?

Mr. CURRY. It is not objectionable to me. I am making an explanation.

Mr. MILLER. Will the gentleman yield?

Mr. CURRY. Yes.

Mr. MILLER. What was the idea in allowing Mare Island Navy Yard to get into such a state of decay as to require such an appropriation as this? Have the dikes heretofore been constructed of wooden piling or something of that character?

Mr. CURRY. The dikes have always been wooden piling. The teredo never got into the Mare Island channel before. The reason it got in this time was because we had four years of drouth and the water in the channel was so low that it was salt instead of fresh. The teredo lives only in salt water.

Mr. HICKS. Bad timber from Washington. [Laughter.]

Mr. CURRY. The timber was all right, and it was from Washington.

Mr. MILLER. It was good timber then.

Mr. CURRY. The reason it has gotten into this condition is because four years ago in the lump-sum appropriation there was an item of $750,000 which was supposed to be spent at the Mare Island Navy Yard for the repair of these dikes and quay wall, but it was not so expended.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CURRY. I ask for two minutes more to answer this question.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. CURRY. I told the committee at that time that unless they made a specific appropriation, in my opinion the money would not be so used. At that time Admiral Parks, the then Chief of the Bureau of Yards and Docks, came before the subcommittee and stated that it would be used for that purpose. It went through in a lump-sum appropriation and the Navy Department did not allocate one dollar to the Mare Island Navy Yard for this purpose. Admiral Parks stated that the reason he did not allocate any money to the Mare Island yard was because the appropriation was not large enough to do some other things that he wanted to do. Since that time I have always insisted on a specific appropriation.

Mr. MILLER. That was the explanation I expected to receive.

Mr. CHALMERS. The statement that this channel will accommodate all ships, both of the Navy and the merchant marine, is perhaps not exactly correct. I understand that the *Leviathan* when loaded draws 38½ feet, so that at low water in this channel the *Leviathan* could not go through.

Mr. CURRY. I think if the master of the *Leviathan* should try to take her in on low water he ought to have his epaulettes taken off, but she can easily be taken in at high tide and have 4 feet to spare under her keel. You add 7 feet tide to 35 feet at lower low water and it makes 42 feet, which gives plenty of water under the keel. The water over the Pinole Shoals and in the Mare Island Channel is deeper than on some spots on the bar at the entrance to San Francisco Bay.

Mr. MILLER. She would come naturally to the Puget Sound Navy Yard.

Mr. CURRY. Well, the Puget Sound Navy Yard is all right, and so is Mare Island, and so is the Puget Sound Representative. Any ship that can be taken to the Bremerton yard can just as easily be taken to Mare Island.

The Clerk read as follows:

BUREAU OF AERONAUTICS.

AVIATION, NAVY.

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1923, $275,000; for maintenance, repair, and operation of aircraft factory, helium plant, air stations, fleet activities, testing laboratories, and for overhauling of planes, $6,290,000, including $350,000 for the equipment of vessels with catapults; for continuing experiments and development work on all types of aircraft, $1,573,224; for drafting, clerical, inspection, and messenger service, $710,000; for new construction and procurement of aircraft and equipment, $5,798,950; in all, $14,647,174, and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing laws as "Aviation" and for that purpose shall constitute one fund: *Provided*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of $250: *Provided further*, That all claims adjusted under this authority during any fiscal year shall be reported in detail to the Congress by the Secretary of the Navy: *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I notice on page 40, lines 18 to 24, there is a provision for the settlement of claims of private property not to exceed $250. What is the argument in favor of keeping it down to $250, where by Navy plane it is $1,000?

Mr. KELLEY of Michigan. I think it is $500.

Mr. WINGO. We had the question up, and I had forgotten whether it was put at $500 or $1,000.

Mr. KELLEY of Michigan. Five hundred dollars is the limit for damage by ships. I think the gentleman can see that in the case of ships the opportunity for damaging property would be greater than by airplanes.

Mr. WINGO. I advocated when the question was up before that we ought to have a uniform rule covering the amount that the executive department might use in the settlement of claims, so as to avoid these little, petty claims coming to Congress. Does the gentleman think it would be unwise to bring this up to the $500 or $1,000?

Mr. KELLEY of Michigan. We thought this had better be left as it is until the legislation to which the gentleman refers is enacted into law.

Mr. WINGO. Then that has not become law?

Mr. KELLEY of Michigan. It has not. I will say to the gentleman that I am in hearty accord with him, but there has been as yet no action by the Senate on the bill referred to.

Mr. WINGO. Mr. Chairman, I withdraw my pro forma amendment.

Mr. MILLER. Mr. Chairman, I move to strike out the last word. On page 41 there is a provision that no part of this appropriation shall be expended for the maintenance of more than six heavier-than-air stations on the coasts of the continental United States. What stations has the department in mind in the establishment of these stations?

Mr. KELLEY of Michigan. This is legislation that has been carried for some time.

Mr. MILLER. That may be; but that does not answer my question.

Mr. KELLEY of Michigan. I was proceeding to answer the gentleman's question. These stations are Cape May, Chatham, Hampton Roads, Lakehurst, San Diego, and one other that I do not just now recall.

Mr. MILLER. Then there are five stations on the Atlantic coast and one on the Pacific. Does it not occur to the gentleman there should be more than one air base on the Pacific coast?

Mr. KELLEY of Michigan. It would seem, offhand, as though the gentleman might be quite right. The gentleman is a distinguished member of the Naval Affairs Committee——

Mr. MILLER. No; I am a member of the Military Affairs Committee. I was wondering why, when the activities are being pressed on the Pacific coast and half of the fleet is practically on the Pacific Ocean and the eyes of the world are on the Pacific coast, why the bill should not provide for more than one station on that coast.

Mr. KELLEY of Michigan. There was the suggestion last year that another base be established on the North Pacific in the neighborhood of Seattle. I recall that the distinguished gentleman was very much interested in an air base in the Northwest and urged with great force that one be established there.

Mr. MILLER. That is right, and that is the one we are inquiring for in an indirect application to this bill.

Mr. KELLEY of Michigan. The gentleman understands that the Appropriations Committee has its hands tied in so far as starting new projects is concerned. He must go to the proper legislative committee.

Mr. MILLER. That is startling to me that the Appropriations Committee has its hands tied. [Laughter.]

The Clerk read as follows:

No part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as professor or instructor at the United States Naval Academy to perform the duties which were performed by civilian professors or instructors on January 1, 1922, whenever the number of civilian professors or instructors employed in such duties shall be less than 80: *Provided*, That in reducing the number of civilian professors no existing contract shall be violated: *Provided further*, That no civilian professor, associate or assistant professor, or instructor shall be dismissed, except for sufficient cause, without six months' notice to him that his services will be no longer needed.

Mr. BARBOUR. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman if the requirement that a candidate for appointment to the Naval Academy shall report at Annapolis for physical examination, and when he fails to pass must pay his own expenses to the academy and back home, is one of law or is a departmental regulation?

Mr. KELLEY of Michigan. My recollection is, although I am not entirely clear about it, that if the boy goes to Annapolis for his physical examination and fails to get into the academy his expenses must be borne by himself. The Government pays 5 cents a mile for travel to the academy, but if he fails he must pay his own expenses back.

Mr. BARBOUR. It is required that he report to the Naval Academy for physical examination?

Mr. KELLEY of Michigan. I am not quite sure that that is uniform. In certain instances a physical examination is conducted at a point near the boy's home.

Mr. BARBOUR. The instructions recently sent out to candidates appointed by myself contained the requirement that the boys report to the Naval Academy for physical examination, and if they fail to pass the examination they will be required to pay their own expenses home.

Mr. KELLEY of Michigan. It may be that they are given a preliminary examination at a point near home, and that the final examination is at the academy.

Mr. HICKS. I think probably that is true. Here is the case that I have to deal with, and it is probably the same case that the gentleman from California might have to deal with. In my district an applicant comes to me, and I give him a letter to the admiral of the Brooklyn Navy Yard and ask the admiral to give him a physical examination. That examination is identical with the Annapolis examination, and if he passes the one in Brooklyn the chances are that he will pass the one in Annapolis.

Mr. BARBOUR. In two of these cases that I refer to they are already enlisted men in the Navy, stationed at San Francisco, and their directions are to report to the Naval Academy for physical examination.

Mr. HICKS. I think if the gentleman would ask those men to go to the navy yard in San Francisco and then ask the admiral to examine them, he would subject them to the physical examination, and if they passed that they would probably pass the examination at Annapolis.

Mr. BARBOUR. It may be that they would pass in San Francisco, then come on to Annapolis and be rejected, and it seems to me that in such case some provision should be made for paying the fare of those boys back to their homes.

Mr. KELLEY of Michigan. Mr. Chairman, I think there is some virtue in what the gentleman says.

Mr. GREENE of Vermont. But on whose shoulders is the obligation, the man who is going to get a free education or the Government that is going to pay for it?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARBOUR. Provision for these physical examinations could be and should be made nearer the home of the candidate.

Mr. GREENE of Vermont. I am not debating that point. It is a question of failing to pass the examination. Why, we might have the country swamped with men who are willing to take an examination, whether they could pass it or not, in order to get a transcontinental ride.

Mr. BARBOUR. But if he takes the examination near home he is there, and does not get a long transcontinental ride if he fails.

Mr. GREENE of Vermont. I do not pose as an expert on this matter, but I know in the Army side of things a candidate for the Military Academy at West Point is advised to have himself examined at the nearest Army post, with the reasonable assurance, as the gentleman from New York [Mr. HICKS] says, that if he passes in the fundamentals of that examination he will qualify in the technical and record final examination at West Point.

Mr. BARBOUR. Why should not the first examination be final?

Mr. GREENE of Vermont. Because, I think, every institution would prefer to pass on all finalities at its own threshold, rather than have agents in the field who might vary in their terms and forms.

Mr. BARBOUR. But if they reject a man who comes across the continent I think they should provide for his transportation home.

Mr. GREENE of Vermont. Oh, no; because the obligation is upon the man who gets a free thing rather than upon the person who gives it.

The Clerk read as follows:

Assistant librarian, $2,500; cataloguer, $1,800; 2 shelf assistants, at $1,400 each; secretary of the Naval Academy, $3,000; clerks—2 at $2,100 each, 2 at $1,900 each, 2 at $1,800 each, 9 at $1,600 each, 4 at $1,400 each, 23 at $1,300 each, 7 at $1,200 each; repair man or seamstress, $1,000; surveyor, $1,700; services of choirmaster and organist at chapel, $1,700; captain of the watch, $1,600; captain of the watch, $1,500; 30 watchmen, at $1,400 each; 5 telephone switchboard operators, at $840 each; mail messenger, $1,200; in all, $134,900.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent to have inserted in line 19, page 42, after the figures "$1,600" and the semicolon, the word "second," which was omitted by mistake, so that it will read "second captain of the watch."

The CHAIRMAN. Without objection, the change will be made.

There was no objection.

The Clerk read as follows:

In all, for the maintenance of Quartermaster's Department, Marine Corps, $8,604,943; and the money herein specifically appropriated for the maintenance of the Quartermaster's Department, Marine Corps, shall be disbursed and accounted for in accordance with the existing law as maintenance, Quartermaster's Department, Marine Corps; and for that purpose shall constitute one fund.

Mr. KELLEY of Michigan. Mr. Chairman, that finishes the bill except the item for the increase of the Navy. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13374 and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 13316) making appropriations for the Departments of Commerce and Labor for the fiscal year ending June 30, 1924, and had agreed to the conference asked by the House and had appointed Mr. JONES of Washington, Mr. SPENCER, and Mr. OVERMAN as the conferees on the part of the Senate.

SPEAKER PRO TEMPORE FOR MONDAY, DECEMBER 18, 1922.

The SPEAKER. The Chair earlier in the day designated the gentleman from Kansas [Mr. CAMPBELL] to preside in case the Chair was late on Monday. Mr. CAMPBELL of Kansas will not be able to be here, and the Chair designates in his stead the gentleman from Ohio [Mr. LONGWORTH].

CONFERENCE REPORT—DEPARTMENTS OF COMMERCE AND LABOR APPROPRIATION BILL.

Mr. MADDEN. Mr. Chairman, on behalf of the gentleman from Pennsylvania [Mr. SHREVE] I present a conference report upon the bill (H. R. 13316) making appropriations for the Departments of Commerce and Labor, for printing under the rule.

ADJOURNMENT.

Mr. KELLEY of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until Monday, December 18, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

834. A letter from the Director of the United States Veterans' Bureau, transmitting a statement as of December 1, 1922, indicating the total number of positions at a rate of $2,000 or more per annum, the rate of salary attached to each position, and the number of positions at each rate in the central office; also attached a statement indicating the corresponding information as of November 1, 1922, for the district and subdistrict offices; to the Committee on Appropriations.

835. A letter from the Acting Secretary of the Navy, transmitting a draft of a bill for the relief of the East La Have Transportation Co. (Ltd.), owner; A. Picard & Co., owner of cargo; and George H. Corkum, Leopold S. Conrad, Wilson Zinck, Freeman Beck, Sidney Knickle, and Norman E. Le Gay, crew of the schooner *Conrein*, sunk by the U. S. submarine *K-4;* to the Committee on Claims.

836. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, supplemental and deficiency estimate of appropriations for the Department of Justice for the fiscal year ending June 30, 1923, and prior fiscal years, amounting to $2,756,571.23; to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAUGEN: Committee on Agriculture. H. R. 12790. A bill authorizing the publication of information presented at the World's Dairy Congress to be held in the United States during October, 1923; with amendments (Rept. No. 1287). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON: Committee on Naval Affairs. H. R. 13351. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the Daughters of the American Revolution of the State of South Carolina the silver service which was used upon the battleship *South Carolina;* without amendment (Rept. No. 1288). Referred to the House Calendar.

Mr. JOHNSON of Mississippi: Committee on Interstate and Foreign Commerce. H. R. 13139. A bill granting the consent of Congress to the Great Southern Lumber Co., a corporation of the State of Pennsylvania doing business in the State of Mississippi, to construct a railroad bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi; with amendments (Rept. No. 1289). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SCOTT of Tennessee: Committee on War Claims. H. R. 10088. A bill for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee; with an amendment (Rept. No. 1290). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SANDERS of Indiana: A bill (H. R. 13448) to prohibit the importation and the mailing, shipment, sending, carrying, or transportation of inflammable films in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: A bill (H. R. 13449) to authorize the sale of certain Government property and appropriating the proceeds thereof for the erection of buildings, and the purchase and the installation of equipment for use of the Engineer-

ing Division of the Air Service of the Army; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 13450) to amend section 108 of the Judicial Code, as amended, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: A bill (H. R. 13451) providing for retirement of officers of the Army in certain cases; to the Committee on Military Affairs.

By Mr. SNYDER: A bill (H. R. 13452) to ascertain and settle the title to lands and waters in New Mexico belonging to the Pueblo Indians, to preserve their ancient customs, rites, and tribal ceremonies, and providing an exclusive forum wherein all controversies as to the rights of the Pueblo Indians may be adjudicated; to the Committee on Indian Affairs.

By Mr. COUGHLIN: A bill (H. R. 13453) to enlarge, extend, and remodel the post-office building at Wilkes-Barre, Pa., on the present site; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13454) to enlarge, extend, and remodel the post-office building at Hazleton, Pa., on the present site; to the Committee on Public Buildings and Grounds.

By Mr. ROBSION: A bill (H. R. 13455) to provide for the erection of a public building at Corbin, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13456) to provide for the erection of a public building at Pineville, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13457) to provide for the erection of a public building at Barbourville, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13458) to provide for the erection of a public building at Harlan, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

By Mr. KOPP: A bill (H. R. 13459) extending the jurisdiction of the Mississippi River Commission and making available funds appropriated under authority of an act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, for the purpose of controlling the floods of the Mississippi River from the mouth of the Ohio River to Rock Island, Ill., and for the purpose of controlling the floods of the tributaries of the Mississippi River between the mouth of the Ohio River and Rock Island, Ill., including levee protection and bank protection, in so far as said tributaries are affected by the flood waters of the Mississippi River; to the Committee on Flood Control.

By Mr. DEAL: A bill (H. R. 13460) to authorize the Secretary of the Treasury to acquire, by condemnation or otherwise, such additional land in the city of Norfolk, Va., as may be necessary for the enlargement of the post-office building in said city, to cause said building to be enlarged, and making an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. LINEBERGER: Joint resolution (H. J. Res. 413) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 13461) granting a pension to Jesse Angle; to the Committee on Pensions.

By Mr. BURROUGHS: A bill (H. R. 13462) for the relief of Daniel F. Healy; to the Committee on Claims.

By Mr. FITZGERALD: A bill (H. R. 13463) granting an increase of pension to Harry W. McCammon; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 13464) granting a pension to Charles F. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13465) for the relief of Alvin Harder; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 13466) granting a pension to Johanna Malone; to the Committee on Pensions.

Also, a bill (H. R. 13467) granting a pension to Richard A. Miller; to the Committee on Pensions.

Also, a bill (H. R. 13468) for the relief of W. E. Knickman; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 13469) granting a pension to Emma Gwinn; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 13470) granting a pension to Nellie A. Farley; to the Committee on Invalid Pensions.

By Mr. J. M. NELSON: A bill (H. R. 13471) granting an increase of pension to Mary Tichenor; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 13472) granting a pension to Elizabeth Fry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13473) granting a pension to Charles Fremont Kuntz; to the Committee on Invalid Pensions.

By Mr. IRELAND: Resolution (H. Res. 472) providing for six months' salary to be paid the widow of John Rome; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6618. By Mr. CRAMTON: Memorial of the Athena Woman's Club, Algonac, Mich., urging that our Government take the necessary steps to put an end to Turkish rule over the Christians; to the Committee on Foreign Affairs.

6619. Also, memorial of the Woman's Christian Temperance Union, of Kingston, Mich., urging the influence of the United States be used to save the remnant of the Armenians from extermination by the Turks; to the Committee on Foreign Affairs.

6620. Also, memorial of the Alexander Macomb Chapter, Daughters American Revolution, Mount Clemens, Mich., urging the checking of future immigration from Europe; to the Committee on Immigration and Naturalization.

6621. By Mr. FOCHT: Petition from citizens of Pennsylvania in regard to Sunday blue laws in the District of Columbia; to the Committee on the District of Columbia.

6622. By Mr. KISSEL: Petition of Lawyers Mortgage Co., Richard M. Hurd, Esq., president, Brooklyn, N. Y., favoring the passage of the Green resolution, which provides for a constitutional amendment eliminating tax exemptions; to the Committee on the Judiciary.

6623. By Mr. PARKER of New Jersey: Resolution adopted by the New Jersey Society Sons of the American Revolution urging the erection of a memorial bridge across the Delaware River to commemorate Washington crossing the Delaware, December 25 and 26, 1776; to the Committee on the Library.

6624. By Mr. STEENERSON: Petition of L. G. Hancock and others, Fosston, Minn., to abolish discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

6625. Also, petition of the First State Bank of Dalton, Minn., and others, to relieve or help relieve the situation of the farmer; to the Committee on Agriculture.

6626. By Mr. TINKHAM: Petition of citizens of the Republic of the United States assembled in mass meeting at Symphony Hall, Boston, Mass., on December 3, 1922, expressing faith in the Irish Republic and the wise statesmanship of Eamonn De Valera; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *December 18, 1922.*

(Legislative day of Saturday, December 16, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

HOLM O. BURSUM, a Senator from the State of New Mexico, and JAMES A. REED, a Senator from the State of Missouri, appeared in their seats to-day.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the folowing Senators answered to their names:

Ashurst	Fletcher	Lodge	Robinson
Ball	France	McCumber	Sheppard
Bayard	George	McKinley	Shortridge
Borah	Glass	McLean	Simmons
Brandegee	Gooding	McNary	Smith
Brookhart	Hale	Moses	Smoot
Bursum	Harreld	Myers	Spencer
Cameron	Harris	New	Stanley
Capper	Harrison	Nicholson	Sterling
Caraway	Heflin	Norbeck	Sutherland
Colt	Hitchcock	Norris	Townsend
Couzens	Johnson	Overman	Trammell
Culberson	Jones, Wash.	Page	Underwood
Cummins	Kendrick	Pepper	Wadsworth
Curtis	Keyes	Phipps	Walsh, Mont.
Dial	Ladd	Pomerene	Warren
Dillingham	La Follette	Ransdell	Watson
Ernst	Lenroot	Reed, Mo.	Weller